



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-06  
**Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi**

**Before:** Trial Panel II  
Judge Charles L. Smith, III, Presiding Judge  
Judge Christoph Barthe  
Judge Guénaël Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor's Office

**Date:** 14 March 2024

**Language:** English

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**Prosecution motion for admission of Llap Zone documents and related request  
with confidential Annexes 1-3**

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## I. INTRODUCTION

1. Pursuant to Articles 37 and 40 of the Law,<sup>1</sup> Rules 118(2) and 137-138 of the Rules,<sup>2</sup> and the Conduct of Proceedings Order,<sup>3</sup> the Specialist Prosecutor's Office ('SPO') requests: (i) the addition of SITF00069013-SITF00069013 to the Exhibit List;<sup>4</sup> and (ii) the admission of contemporaneous KLA records ('Proposed Exhibits')<sup>5</sup> relating to the Llap Operational Zone ('Llap OZ'). The Proposed Exhibits – which are, to the extent possible, organised thematically and chronologically in Annex 1<sup>6</sup> – are *prima facie* authentic, relevant, and have probative value that is not outweighed by any prejudice.<sup>7</sup>

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<sup>1</sup> Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

<sup>3</sup> Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023 ('Conduct of Proceedings Order'), paras 60-62. Pursuant to paragraph 61 of the Conduct of Proceedings Order, certain KLA materials, including the Proposed Exhibits, were sent to the Defence for *inter partes* consultation in 2023. Given, *inter alia*, competing demands at that time, the Defence indicated its intention to respond to the motion once filed.

<sup>4</sup> See Section II(D) below. See also Amended Exhibit List, KSC-BC-2020-06/F02061/A02, Confidential ('Exhibit List'). A further, amended Exhibit List will be filed by 15 March 2024. See Decision on Prosecution Request to Amend the Exhibit List (F02099), KSC-BC-2020-06/F02167, 7 March 2024, Confidential, para.30(c).

<sup>5</sup> The Proposed Exhibits include the requested Exhibit List addition (SITF00069013-SITF00069013).

<sup>6</sup> Annex 1 includes specific indicia of the *prima facie* authenticity, relevance, and probative value of each Proposed Exhibit. It also indicates the relevant Indictment paragraphs for each Proposed Exhibit and identifies any exhibits associated with witness testimony. See Decision on Specialist Prosecutor's Bar Table Motion, KSC-BC-2020-06/F01409, Confidential, 31 March 2023 ('First Decision'), para.22. Annex 3 links the abbreviations used in the 'Indictment Primary Paragraphs' column of Annex 1 with the primary Indictment paragraph(s) to which each item relates. See Amended Indictment, KSC-BC-2020-06/F00999/A01, 30 September 2022, Confidential ('Indictment'). Annex 3 also defines other abbreviations and short names used in this filing and Annex 1.

<sup>7</sup> The applicable law has been set out in prior decisions. See e.g. First Decision, KSC-BC-2020-06/F01409, paras 8-13.

## II. SUBMISSIONS

2. The Proposed Exhibits corroborate and complement witness and documentary evidence, and adjudicated facts,<sup>8</sup> which, taken together, demonstrate: (i) the high level of organisation of the KLA and PGoK, including in the Llap OZ, during the Indictment period; (ii) that KLA members in the Llap OZ acted under the authority of and pursuant to the instructions of the Accused, General Staff, and, after its formation, the PGoK; and (iii) that the JCE Members, including the Accused and certain KLA members in the Llap OZ, such as Rrustem MUSTAFA and Latif GASHI, shared the common criminal purpose, which they implemented personally and through the structures in place. The Proposed Exhibits also corroborate and complement other evidence and adjudicated facts concerning the charged crimes, the conflict and widespread and systematic attack against the civilian population, the Accused's effective control, including both directly and through the Llap OZ structures, that the Accused aided and abetted the charged crimes, and the Accused's and other JCE Members' knowledge and intent.

### A. THE PROPOSED EXHIBITS ARE *PRIMA FACIE* RELEVANT

3. Throughout the Indictment period, Rrustem MUSTAFA ('Remi') was Llap OZ<sup>9</sup> Commander. By mid-1998, the Llap OZ staff was led by Commander Remi, together with a Deputy Commander and Chief of Staff, and had several sectors, including, but not limited to, those described below.<sup>10</sup> In August 1998, a General Staff delegation including Hashim THAÇI, Rexhep SELIMI, and Jakup KRASNIQI visited the Llap OZ and issued formal, written appointments for the members of the Zone Command,

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<sup>8</sup> A non-exhaustive selection has been set out below, with further detail provided in Annex 1. Likewise, a selection of completed testimony and admitted exhibits is cited below, with further details set out in the Annex.

<sup>9</sup> See Lesser Redacted Version of 'Confidential Redacted Version of Corrected Version of Prosecution Pre-Trial Brief', KSC-BC-2020-06/F01594/A03, Confidential, 9 June 2023 ('Pre-Trial Brief'), para.202 (concerning Llap OZ's area of responsibility).

<sup>10</sup> Transcript (W04746), 11 July 2023, p.5481. See also Sections II(A)(i)-(iv) below.

including the Commander, Deputy Commander, and the Head of Intelligence, Latif GASHI ('Lata' or 'Fati').<sup>11</sup>

4. The Llap OZ Command held meetings, was responsible for all KLA units in the Zone and frequently in contact with subordinate commanders, and was obliged to be and was in contact with the General Staff (including the Accused), making reports, and receiving orders, instructions, and regulations.<sup>12</sup> The Llap OZ Command also had close cooperation with other zones, including the nearby Shala and Karadak Zones,<sup>13</sup> which were, at times, headquartered at locations in and fought with soldiers of the Llap OZ,<sup>14</sup> as reflected in Proposed Exhibits relating to, *inter alia*, movement restrictions, travel authorisations, training, structure, organisation, and 'special warfare'.<sup>15</sup>

5. From about June 1998, pursuant to General Staff orders, the Llap OZ Command took further measures to recruit, train, and deploy new soldiers, as well as to expand and consolidate command structures.<sup>16</sup> By June 1998, there were written materials in the Llap OZ concerning brigade structure; reports on armaments, mobilisation, and supplies; guard duty rosters; and training programs concerning combat, weapons handling, theory, first aid, and KLA rules including about discipline and handling of 'crimes against KLA'.<sup>17</sup> Donations to the KLA were also being documented, including

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<sup>11</sup> See e.g. Annex 1: Item 2 (090568-090568 / 090568-090568-ET). See also Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.205; Transcript (W04746), 12 July 2023, pp.5530-5532.

<sup>12</sup> Transcript (W04746), 12 July 2023, pp.5533-5538, 5607-5608.

<sup>13</sup> Transcript (W04746), 12 July 2023, p.5605.

<sup>14</sup> See e.g. Transcript (W04746), 12 July 2023, p.5608; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.254.

<sup>15</sup> See e.g. Annex 1: Items 16 (U001-0006-U001-0034 / U001-0006-U001-0034-ET); 30 (090604-090606 / 090604-090606-ET); 31 (SITF00435471-00435490 / SITF00435471-SITF00435490-ET Revised); 42 (090341-090369 / 090341-090369-ET); 124 (SITF00243091-00243150 / SITF00243091-SITF00243150-ET).

<sup>16</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.207.

<sup>17</sup> See e.g. Annex 1: Item 43 (090372-090375 / 090372-090375-ET). See also Items 16 (U001-0006-U001-0034 / U001-0006-U001-0034-ET); 24 (U000-9696-U000-9701 / U000-9696-U000-9701-ET); 30 (090604-090606 / 090604-090606-ET); 42 (090341-090369 / 090341-090369-ET). As set out in Annex 1 (in particular, those pertaining to 'Organisation'), similar records – relating to, *inter alia*, appointments, enrolment,

by the Zone and Deputy Zone Commanders, who also ordered, pursuant to KLA regulations, the provision of services and property, under threat of coercive measures in case of non-compliance.<sup>18</sup> By July 1998, the Llap OZ Command was also issuing written orders, including pursuant to KLA regulations, on matters ranging from: (i) daily activities and training;<sup>19</sup> (ii) discipline and detention of KLA soldiers for disobedience;<sup>20</sup> and (iii) the arrest of alleged collaborators.<sup>21</sup> Thereafter, consistent with General Staff communiqués and instructions, the Llap OZ Command continued to issue orders<sup>22</sup> concerning, *inter alia*, the detention and release of alleged collaborators and other Opponents.<sup>23</sup> During detention, victims in the Llap OZ were interrogated, mistreated, tortured, and some killed.<sup>24</sup>

*i. Intelligence services and military police*

6. The Llap OZ intelligence services under Latif GASHI ('Lata' or 'Fati') were part of the Zone Command, reporting to the Commander, Deputy Commander, and Chief of Staff,<sup>25</sup> and would collect information and reports from the units on the ground,

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rosters/guard duty, training, logistics, and civilian matters – were created in Llap OZ throughout the Indictment period.

<sup>18</sup> See e.g. Annex 1: Items 55 (090760-090760 / 090760-090760-ET); 63 (U000-4244-U000-4244 / U000-4244-U000-4244-ET); 65 (090547-090547 / 090547-090547-ET); 66 (090548-090548 / 090548-090548-ET); 67 (090570-090570 / 090570-090570-ET); 68 (090571-090571 / 090571-090571-ET); 69 (090572-090572 / 090572-090572-ET); 70 (U000-9678-U000-9678 / U000-9678-U000-9678-ET); 71 (U000-9680-U000-9680 / U000-9680-U000-9680-ET); 73 (SPOE00226853-SPOE00226853 / SPOE00226853-SPOE00226853-ET).

<sup>19</sup> See e.g. Annex 1: Item 21 (U000-4240-U000-4240 / U 000-4240-U000-4240-ET).

<sup>20</sup> See e.g. Annex 1: Items 28 (090551-090551 / 090551-090551-ET).

<sup>21</sup> See e.g. Annex 1: Items 80 (090564-090564 / 090563-090564-ET); 81 (U001-0395-U001-0396 / U001-0395-U001-0396-ET).

<sup>22</sup> See e.g. Annex 1: Items 81 (U001-0395-U001-0396 / U001-0395-U001-0396-ET); 126 (SITF00242576-00242576 / SITF00242574-00242575). See also P00010; P00150 / P00150\_ET; P00167 / P00167\_ET; P00169 / P00169\_ET; P00225 / P00225\_ET; Transcript (W04746), 12 July 2023, pp.5541-5550, 5555, 5557-5573, 5578, 5584-5591. The Zone Command members had authority to detain and release; all releases were done with knowledge of the Commander, Deputy Commander, and Chief of Staff. See Transcript (W04746), 12 July 2023, pp.5568, 5578.

<sup>23</sup> The term 'Opponents' is defined at paragraph 32 of the Indictment.

<sup>24</sup> See e.g. Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, Sections III(H)-(K), (T), (DD); KSC-BC-2020-06/F01534/A01, Facts 475, 477, 479-530. See also paras 6-16 below and Annex 1 for further references to witness testimony and admitted exhibits.

<sup>25</sup> Transcript (W04746), 11 July 2023, pp.5486-5488; KSC-BC-2020-06/F01534/A01, Facts 476, 481.

‘from the people in every village’, including about collaborators.<sup>26</sup> Latif GASHI was also personally involved in detention centres, directing and participating in interrogations and beatings.<sup>27</sup>

7. As confirmed by Proposed Exhibits,<sup>28</sup> the intelligence services directed and closely collaborated with the military police.<sup>29</sup> By July 1998, consistent with General Staff instructions,<sup>30</sup> military police had been established at the Zone (under Nazif MEHMETI, ‘Dini’) and brigade levels. The military police commander was obliged to report directly to the Zone Commander and the Zone Command about the work of the military police, including detentions.<sup>31</sup>

<sup>26</sup> Transcript (W04746), 17 July 2023, pp.5891-5892, 5901; KSC-BC-2020-06/F01534/A01, Fact 481.

<sup>27</sup> See e.g. KSC-BC-2020-06/F01534/A01, Facts 477, 481; Transcript (W03540), 19 June 2023, pp.5007, 5011, 5015-5021, 5033, 5049, 5060-5061, 5069, 5085; P00425 / P00425\_AT (Confidential), pp.2-3; P00424.1\_ET (Confidential), pp.23-27; P00426 / P00426\_AT (Confidential), pp.5-12; P00950 / P00950\_AT (Confidential), p.SPOE00122470; P00116 (Confidential), pp.1-2.

<sup>28</sup> See e.g. Annex 1: Items 124 (SITF00243091-00243150 / SITF00243091-SITF00243150-ET); 127 (SITF00242163-00242296 / SITF00242163-SITF00242296-ET, pp.SITF00242171, SITF00242230); 128 (SPOE00121856-00121860); 149 (SITF00242326-00242326 / SITF00242326-SITF00242326-ET Revised 1); 175 (SPOE00089126-00089127); 180 (SITF00243675-00243675 / SITF00243675-SITF00243675-ET); 210 (SITF00240595-00240597 / SITF00240595-SITF00240597-ET); 230 (SITF00243684-00243684 / SITF00243684-SITF00243684-ET); 231 (SITF00243711-00243711 / SITF00243711-SITF00243711-ET); 235 (SITF00243710-00243710 / SITF00243710-SITF00243710-ET); 239 (SITF00243712-00243712 / SITF00243712-SITF00243712-ET); 245 (SITF00243693-00243693 / SITF00243693-SITF00243693-ET); 246 (SITF00243692-00243692 / SITF00243692-SITF00243692-ET); 247 (SITF00243694-00243694 / SITF00243694-SITF00243694-ET); 249 (SITF00243691-00243691 / SITF00243691-SITF00243691-ET); 252 (SITF00243665-00243665 / SITF00243665-SITF00243665-ET); 259 (SITF00243705-00243705 / SITF00243705-SITF00243705-ET); 264 (SITF00244143-00244143 / SITF00244143-SITF00244143-ET); 266 (SITF00243707-00243707 / SITF00243707-SITF00243707-ET); 279 (SITF00243170-00243283 / SITF00243171-SITF00243282-ET Revised).

<sup>29</sup> KSC-BC-2020-06/F01534/A01, Facts 473, 478; Transcript (W04323), 12 June 2023 (Private), p.4668; Transcript (W04323), Transcript (Private), p.4793; P00867 (Confidential), pp.28-30. The relationship and cooperation between the intelligence services and police were also set out in the KLA Provisional Regulations, Chapter Eight: ‘The Military Police and its duties’. See P00166 / P00166 ET, pp.U000-9363-U000-9364. See also Transcript (W04746), 17 July 2023, pp.5898-5900 (indicating that Nazif MEHMETI reported to the Commander, Deputy Commander, and Chief Staff, and that Latif GASHI was MEHMETI’s hierarchical superior, but denying knowledge that MEHMETI received orders from Latif GASHI).

<sup>30</sup> Transcript (W04746), 12 July 2023, pp.5504-5505 (confirming that there was a General Staff instruction to form military police, but indicating that creation of the military police in the Llap OZ may have preceded this instruction); Transcript (W04746), 17 July 2023, p.5900.

<sup>31</sup> Transcript (W04746), 13 July 2023, pp.5617-5618.



8. The military police were responsible for, *inter alia*, executing arrest orders, delivering summonses, and guarding detention facilities.<sup>32</sup> Among the Proposed Exhibits are military police orders, issued pursuant to KLA regulations and/or under threat of force in case of non-compliance, *inter alia*: (i) to collaborators to stop their activities, for example, ‘cutting word for commercial gain in collaboration with the occupying authorities’;<sup>33</sup> (ii) for the provision of property, such as weapons, vehicles, and radios;<sup>34</sup> and (iii) concerning detention and release.<sup>35</sup>

9. The military police also took part in beatings and interrogations, including to extract confessions of collaboration.<sup>36</sup> The Proposed Exhibits include lists and records of alleged collaborators, other Opponents, and detainees (including charged victims in this case), and related information collected by the intelligence services and police, reports, and statements.<sup>37</sup> Such statements recorded violence used during

<sup>32</sup> Transcript (W04746), 12 July 2023, pp.5502-5503, 5570-5572; Transcript (W03540), 19 June 2023, p.5070. See also Annex 1: Item 124 (SITF00243091-00243150 / SITF00243091-SITF00243150-ET, pp.SITF00243133, SITF00243139); paras 9-10 (and the sources cited therein).

<sup>33</sup> See e.g. Annex 1: Items 112 (U000-9681-U000-9681 / U000-9681-U000-9681-ET); 113 (U000-9682-U000-9682 / U000-9682-U000-9682-ET); 114 (U000-9683-U000-9683 / U000-9683-U000-9683-ET); 115 (U000-9684-U000-9684 / U000-9684-U000-9684-ET); 116 (U000-9685-U000-9685 / U000-9685-U000-9685-ET); 117 (U000-9687-U000-9687 / U000-9687-U000-9687-ET); 118 (U000-9686-U000-9686 / U000-9686-U000-9686-ET); 119 (U000-9688-U000-9688 / U000-9688-U000-9688-ET); 120 (U000-9689-U000-9689 / U000-9689-U000-9689-ET); 121 (U000-9107-U000-9125 / U000-9108-U000-9124-ET).

<sup>34</sup> See e.g. Annex 1: Items 72 (U000-9690-U000-9690 / U000-9690-U000-9690-ET); 74 (U000-9691-U000-9691 / U000-9691-U000-9691-ET); 75 (U000-9692-U000-9692 / U000-9692-U000-9692-ET); 76 (U000-9693-U000-9693 / U000-9693-U000-9693-ET).

<sup>35</sup> See e.g. Annex 1: Items 125 (SITF00069013-SITF00069013 / SITF00069013-SITF00069013-ET); 175 (SPOE00089126-00089127). See also P00226 / P00226\_ET.

<sup>36</sup> KSC-BC-2020-06/F01534/A01, Fact 479. See also Transcript (W4323), 12 June 2023 (Private), pp.4696-4707, 4813-49820; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 430-432.

<sup>37</sup> See e.g. Annex 1: Items 78 (091036-091049 / 091036-091049-ET, pp.091036-091038); 79 (091050-091070 / 091050-091070-ET, pp. 091057-091059, 091062); 81 (U001-0395-U001-0396 / U001-0395-U001-0396-ET); 83 (090559-090562 / 090559-090562-ET); 88 (091156-091170-ET); 89 (091083-091087 / 091083-091087-ET); 93 (091088-091090 / 091088-091090-ET Revised); 96 (091096-091098 / 091096-091098-ET); 97 (U000-8327-U000-8335 / U000-8327-U000-8335-ET); 98 (091133-091138 / 091133-091138-ET); 99 (091176-091185 / 091176-091185-ET); 100 (090920-090922 / 090920-090922-ET); 101 (091155-091155 / 091155-091155-ET); 103 (091187-091189 / 091187-091189-ET); 107 (091171-091173 / 091171-091173-ET); 108 (090557-090558 / 090557-090558-ET); 109 (091016-091018 / 091016-091018-ET); 111 (091094-091095 / 091094-091095-ET); 123 (091152-091152 / 091152-091152-ET); 124 (SITF00243091-00243150 / SITF00243091-SITF00243150-ET); 127 (SITF00242163-00242296 / SITF00242163-SITF00242296-ET, pp.SITF00242177-SITF00242178, SITF00242211, SITF00242229, SITF00242229, SITF00242230, SITF00242261-SITF00242262, SITF00242278-

interrogations,<sup>38</sup> and demonstrate the seriousness of collaboration charges, their impact and purpose, including suspected collaborators offering to fulfil any task given ‘to atone’ (such as executing police and killing Serbs), swearing loyalty to the KLA, and accepting death if they failed to fulfil their oaths.<sup>39</sup>

10. A series of Proposed Exhibits relate specifically to the arrest, interrogation, and detention of alleged collaborator Fadil SYLEVIQ.<sup>40</sup> Commander Remi both authorised his arrest and questioned him.<sup>41</sup> While a number of individuals, including Fadil SYLEVIQ, were detained at Bare/Barja and Bajgorë/Bajgora in August 1998,<sup>42</sup> a General Staff delegation composed of, *inter alia*, Hashim THAÇI, Rexhep SELIMI, and Jakup KRASNIQI visited the Llap OZ.<sup>43</sup> SELIMI discussed SYLEVIQ with Hyzri TALLA,<sup>44</sup> the deputy commander of the Llap OZ intelligence services.<sup>45</sup>

*ii. Territorial Defence*

11. The Territorial Defence under Muhamet LATIFI (who would by June 1999 become military police commander<sup>46</sup>) was another sector of the Llap OZ Command; LATIFI reported to the Zone Commander, Deputy Commander, and Chief of Staff.<sup>47</sup> The Territorial Defence was responsible for the organisation of people and units

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SITF00242279); 128 (SPOE00121856-00121860); 130 (U001-0310-U001-0325 / U001-0310-U001-0322-ET). See also P00224 / P00224\_ET; P00225 / P00225\_ET; P00226 / P00226\_ET.

<sup>38</sup> See e.g. Annex 1: Items 85 (U001-0293-U001-0301 / U001-0293-U001-0301-ET, p.U001-0300); 87 (091124-091128 / 091124-091128-ET, p.091126); 93 (091088-091090 / 091088-091090-ET Revised).

<sup>39</sup> See e.g. Annex 1: Items 83 (090559-090562 / 090559-090562-ET); 85 (U001-0293-U001-0301 / U001-0293-U001-0301-ET); 86 (U001-0380-U001-0385 / U001-0380-U001-0385-ET); 92 (091114-091115 / 091114-091115-ET); 104 (091106-091113 / 091106-091113-ET); 105 (091129-091130 / 091129-091130-ET).

<sup>40</sup> See e.g. Annex 1: Items 88 (091156-091159, 091160-091160, 091161-091170 / 091156-091170-ET); 89 (091083-091087 / 091083-091087-ET); 90 (U001-0430-U001-0446 / U001-0430-U001-0446-ET); 94 (091091-091093 / 091091-091093-ET); 96 (091096-091098 / 091096-091098-ET); 98 (091133-091138 / 091133-091138-ET).

<sup>41</sup> Transcript (W04746), 12 July 2023, pp.5592-5595. W04746 also confirmed that ‘delegates from the General Staff intervened asking for his release’.

<sup>42</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.421.

<sup>43</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.205.

<sup>44</sup> P00739.8 ET, pp.1-4; P00763.6\_ET, pp.19-23.

<sup>45</sup> See e.g. P00151 / P00151\_ET, p.099825; Transcript (W04746), 11 July 2023, pp.5489-5490.

<sup>46</sup> See e.g. SPOE00055678-00056018 / SPOE00055678-SPOE00056018-ET, p.SPOE00055810.

<sup>47</sup> Transcript (W04746), 11 July 2023, pp.5494-5495.



beyond the KLA front lines because the objective ‘was to be present everywhere, in every village’.<sup>48</sup> By July 1998, this sector had an established structure and recruitment, logistics, and supply systems, and was collecting and reporting (including to the Llap OZ intelligence head Latif GASHI) information concerning alleged collaborators and other Opponents in areas under its control, including persons ‘suspected of disturbing the population’ and ‘misinformation’.<sup>49</sup> Certain of these individuals were later detained, interrogated, and mistreated by the KLA, including as charged in the Indictment.<sup>50</sup>

*iii. Brigades*

12. By order of the General Staff, the Llap OZ was to be composed of three brigades (151, 152, and 153), which the Deputy Commander began creating in May 1998.<sup>51</sup> The Llap OZ Commander appointed the brigade commanders.<sup>52</sup> The Command also appointed brigade deputy, battalion, platoon, and company commanders, using standardised templates.<sup>53</sup>

13. The Proposed Exhibits document brigade membership, areas of responsibility, and the existence and dissemination of KLA rules.<sup>54</sup> Brigade commanders received and issued written orders, for example, a ‘battle order’ from April 1999, which referred

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<sup>48</sup> Transcript (W04746), 11 July 2023, pp.5494-5495.

<sup>49</sup> See e.g. Annex 1: Items 79 (091050-091070 / 091050-091070-ET); 82 (090933-090938 / 090933-090938-ET). See also Annex 1: Items 20 (090630-090630 / 090630-090630-ET); 33 (091075-091079 / 091075-091079-ET).

<sup>50</sup> See e.g. Annex 1: Item 79 (091050-091070 / 091050-091070-ET) (authenticity column and the sources cited therein).

<sup>51</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.203. See also KSC-BC-2020-06/F01534/A01, Facts 285-286.

<sup>52</sup> Transcript (W04746), 12 July 2023, p.5500.

<sup>53</sup> See e.g. Annex 1: Items 1 (090563-090563 / 090563-090564-ET); 3 (U000-4232-U000-4232 / U000-4232-U000-4232-ET); 4 (091035-091035 / 091035-091035-ET); 5 (U000-4175-U000-4175 / U000-4175-U000-4175-ET); 6 (U000-4248-U000-4248 / U000-4248-U000-4248-ET); 7 (U000-9005-U000-9005 / U000-9005-U000-9005-ET); 8 (U000-9011-U000-9011 / U000-9011-U000-9011-ET); 9 (U000-9013-U000-9013 / U000-9013-U000-9013-ET); 10 (090549-090549 / 090549-090549-ET); 11 (U000-4226-U000-4226 / U000-4226-U000-4226-ET); 12 (090550-090550 / 090550-090550-ET). See also Annex 1: Item 13 (U000-4302-U000-4302 / U000-4302-U000-4302-ET).

<sup>54</sup> See e.g. Annex 1: Items 18 (U001-0115-U001-0128 / U001-0115-U001-0128-ET); 19 (090843-090854 / 090843-090854-ET).

to 'special warfare against the civilian population', noting that this 'dirty war is being helped also by some Albanians in name only'; they were specifically identified as the 'enemy' along with the 'military and police forces of the invader'.<sup>55</sup> Brigade commanders also issued orders for confiscation of property, arrests,<sup>56</sup> and disciplinary measures against subordinates.<sup>57</sup> Consistent with witness testimony,<sup>58</sup> Proposed Exhibits demonstrate that the brigade commands and subordinate units, acting together with the Llap OZ Command, intelligence services, and military police, collected information about, and were involved in arrests, detentions, mistreatment, and interrogations of, *inter alia*, persons of Roma and Serb ethnicity, and alleged collaborators.<sup>59</sup>

*iv. Summer 1999*

14. In summer 1999, the Llap OZ Command, its sectors, and brigades continued many of the same functions and activities, including charged crimes in furtherance of the common criminal purpose,<sup>60</sup> while consolidating control over areas previously under Serbian control.<sup>61</sup> In June 1999, following previous instructions from the General Staff, the Llap OZ Command selected mayors who were appointed by the

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<sup>55</sup> See e.g. Annex 1: Item 36 (U000-4205-U000-4206 / U000-4205-U000-4206-ET).

<sup>56</sup> See e.g. Annex 1: Item 77 (U000-9177-U000-9177 / U000-9177-U000-9177-ET).

<sup>57</sup> See e.g. Annex 1: Item 127 (SITF00242163-00242296 / SITF00242163-SITF00242296-ET, pp.SITF00242193, SITF00242201, SITF00242206). See also Annex 1: Items 78 (091036-091049 / 091036-091049-ET, p.091045); 124 (SITF00243091-00243150 / SITF00243091-SITF00243150-ET, p.SITF00243127).

<sup>58</sup> See e.g. Transcript (W04323), 12 June 2023, pp.4646, 4693; Transcript (W04323), 13 June 2023 (Private), pp.4727-4728; Transcript (W04746), 12 July 2023, p.5568. See also Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.206.

<sup>59</sup> See e.g. Annex 1: Items 127 (SITF00242163-00242296 / SITF00242163-SITF00242296-ET, pp.SITF00242177-SITF00242178, SITF00242211, SITF00242229, SITF00242229, SITF00242230, SITF00242261-SITF00242262, SITF00242278-SITF00242279); 128 (SPOE00121856-00121860).

<sup>60</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, Section III(T), (DD).

<sup>61</sup> See e.g. Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 215-218.

PGoK, including in Podujevë/Podujevo and Prishtinë/Priština,<sup>62</sup> as confirmed by Proposed Exhibits.<sup>63</sup>

15. Further, the Llap OZ police and intelligence services were collaborating closely with, enforcing orders from, and reporting to PGoK authorities,<sup>64</sup> including SHIK, under chief Kadri VESELI and general director Latif GASHI (who also continued to act as intelligence head in the Llap OZ),<sup>65</sup> and the Ministry of Public Order, under Rexhep SELIMI.<sup>66</sup> Proposed Exhibits relating to summer 1999 demonstrate the organisation<sup>67</sup> of the KLA in Llap OZ, in particular, the police and intelligence services and their capacity to conduct investigations, including: (i) issuing, on standardised templates and pursuant to KLA regulations, orders<sup>68</sup> and summonses;<sup>69</sup> (ii)

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<sup>62</sup> Transcript (W04746), 13 July 2023, p.5622-5623.

<sup>63</sup> See e.g. Annex 1: Items 127 (SITF00242163-00242296 / SITF00242163-SITF00242296-ET, pp.SITF00242234-SITF00242236); 279 (p.SITF00243174, SITF00243170-00243283 / SITF00243171-SITF00243282-ET Revised). See also P00902 / P00902\_ET, p.SITF00244635.

<sup>64</sup> See e.g. Annex 1: Items 167 (U017-2932-U017-2990 / U017-2932-U017-2990-ET, p.U017-2970); 179 (SITF00243676-00243676 / SITF00243676-SITF00243676-ET); 180 (SITF00243675-00243675 / SITF00243675-SITF00243675-ET); 267 (SITF00241773-00241773 / SITF00241773-SITF00241773-ET); 274 (SITF00244172-00244172 / SITF00244172-SITF00244172-ET); 289 (084333-084338 / 084333-084338-ET Revised, 084334-084338-ET).

<sup>65</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 162-163.

<sup>66</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 117, 147, 151-155.

<sup>67</sup> Organisational documents include rosters and records of recruitment, assignments, travel and leave authorisations, defined areas of responsibility, and hierarchical structures. See e.g. Annex 1: Items 132 (SITF00240909-00240910 / SITF00240909-SITF00240910-ET); 133 (SITF00240531-00240531 / SITF00240531-SITF00240531-ET); 134 (SITF00240842-00240846 / SITF00240842-SITF00240846-ET); 135 (SITF00244585-00244585 / SITF00244585-SITF00244585-ET); 136 (SITF00243742-00243742- / SITF00243742-SITF00243742-ET); 137 (SITF00241218-00241250 / SITF00241218-SITF00241250-ET); 138 (SITF00241718-00241718 / SITF00241718-SITF00241718-ET); 145 (SITF00240634-00240634 / SITF00240634-SITF00240634-ET); 150 (SITF00244863-00244896 / SITF00244863-SITF00244896-ET Revised).

<sup>68</sup> See e.g. Annex 1: Items 121 (U000-9107-U000-9125 / U000-9108-U000-9124-ET); 141 (U000-9837-U000-9838 / U000-9837-U000-9838-ET).

<sup>69</sup> See e.g. Annex 1: Items 140 (SITF00242613-00242613 / SITF00242613-SITF00242613-ET); 142 (SITF00242047-00242100 / SITF00242047-SITF00242100-ET, pp.SITF00242086/40, SITF00242088/42); 157 (SITF00242297-00242297 / SITF00242297-SITF00242297-ET); 163 (U017-2912-U017-2931 / U017-2912-U017-2931-ET); 167 (U017-2932-U017-2990 / U017-2932-U017-2990-ET, pp.U017-2981, U017-2982, U017-2984-U017-2985); 185 (SITF00241786-SITF00241786 / SITF00241786-SITF00241786-ET); 212 (SITF00240623-SITF00240623 / SITF00240623-SITF00240623-ET); 224 (SITF00241788-SITF00241788 / SITF00241788-SITF00241788-ET); 225 (SITF00241787-SITF00241787 / SITF00241787-SITF00241787-ET). See also P00171 / P00171\_ET.

confiscating and allocating property,<sup>70</sup> and receiving complaints;<sup>71</sup> (iii) disciplining soldiers, including for ‘lying and breach of military law’;<sup>72</sup> (iv) investigating war crimes by Serbian authorities and property disputes;<sup>73</sup> (v) conducting on-site and crime-scene inspections, surveillance, and searches;<sup>74</sup> and (vi) collecting information about, mistreating, arresting, and taking statements from and about, *inter alia*, persons of Serb and Roma ethnicities, alleged collaborators, and other Opponents.<sup>75</sup> Such

<sup>70</sup> See e.g. Annex 1: Items 139 (SITF00241804-00241804 / SITF00241804-SITF00241804-ET); 142 (SITF00242047-00242100 / SITF00242047-SITF00242100-ET, p. SITF00242085/39); 143 (SITF00241993-00242046 / SITF00241993-SITF00242046-ET, pp.SITF00242017-SITF00242018/25-26, SITF00242025-SITF00242026/33-34); 149 (SITF00242326-00242326 / SITF00242326-SITF00242326-ET Revised 1); 151 (SITF00240606-00240608 / SITF00240606-SITF00240608-ET); 162 (SITF00241824-00241824 / SITF00241824-SITF00241824-ET); 163 (U017-2912-U017-2931 / U017-2912-U017-2931-ET); 170 (SITF00240566-00240566 / SITF00240566-SITF00240566-ET (issued by Commander Remi)); 174 (SITF00244221-00244221 / SITF00244221-SITF00244221-ET).

<sup>71</sup> See e.g. Annex 1: Items 142 (SITF00242047-00242100 / SITF00242047-SITF00242100-ET, p. SITF00242087/41); 144 (SITF00240641-00240642 / SITF00240641-SITF00240642-ET); 151 (SITF00240606-00240608 / SITF00240606-SITF00240608-ET); 156 (SITF00240981-00240981 / SITF00240981-SITF00240981-ET Revised); 161 (SITF00244174-00244174 / SITF00244174-SITF00244174-ET Revised); 168 (SITF00241621-00241621 / SITF00241621-SITF00241621-ET); 174 (SITF00244221-00244221 / SITF00244221-SITF00244221-ET).

<sup>72</sup> See e.g. Annex 1: Item 147 (U017-2745-U017-2768 / U017-2745-U017-2768-ET). See also Items 166 (SITF00240540-00240541 / SITF00240540-SITF00240541-ET); 252 (SITF00243665-00243665 / SITF00243665-SITF00243665-ET); 254 (SITF00243667-00243667 / SITF00243667-SITF00243667-ET).

<sup>73</sup> See e.g. Annex 1: Items 142 (SITF00242047-00242100 / SITF00242047-SITF00242100-ET, pp.SITF00242054-SITF00242056/8-10, SITF00242067-SITF00242068/21-22, SITF00242074/28, SITF00242076-SITF00242077/30-32, SITF00242081-SITF00242085/35-39, SITF00242090/44); 143 (SITF00241993-00242046 / SITF00241993-SITF00242046-ET, pp.SITF00242000/8, SITF00242003-SITF00242004/11-12, SITF00242007-SITF00242012/15-20, SITF00242024/32); 159 (SITF00240690-00240690 / SITF00240690-SITF00240690-ET); 161 (SITF00244174-00244174 / SITF00244174-SITF00244174-ET Revised); 163 (U017-2912-U017-2931 / U017-2912-U017-2931-ET); 171 (SITF00241048-00241049 / SITF00241048-SITF00241049-ET); 176 (SITF00244222-00244222 / SITF00244222-SITF00244222-ET).

<sup>74</sup> See e.g. Annex 1: Items 142 (SITF00242047-00242100 / SITF00242047-SITF00242100-ET, pp. SITF00242085/39, SITF00242095/49); 144 (SITF00240641-00240642 / SITF00240641-SITF00240642-ET); 151 (SITF00240606-00240608 / SITF00240606-SITF00240608-ET); 165 (SITF00241755-00241755 / SITF00241755-SITF00241755-ET).

<sup>75</sup> See e.g. Annex 1: Items 142 (SITF00242047-00242100 / SITF00242047-SITF00242100-ET, pp. SITF00242069/23, SITF00242093/47); 143 (SITF00241993-00242046 / SITF00241993-SITF00242046-ET, pp. SITF00241999/7, SITF002412001/9, SITF002412006/14, SITF002412013-SITF002412014/21-22, SITF002412019/27, SITF002412021/29, SITF002412023/31, SITF002412027/35, SITF002412029/37, SITF002412031/39 (also indicating that ‘Commander Lata’ should decide on further action in relation to two detained Serbs)); 144 (SITF00240641-00240642 / SITF00240641-SITF00240642-ET); 146 (SITF00243654-00243655 / SITF00243654-SITF00243655-ET); 147 (U017-2745-U017-2768 / U017-2745-U017-2768-ET, pp. U017-2751/7, U017-2757/13); 150 (SITF00244863-00244896 / SITF00244863-SITF00244896-ET Revised, pp.SITF00244870, SITF00244878-SITF00244879); 151 (SITF00240606-

alleged collaborators and Opponents included persons and families targeted by the KLA at previous stages of the conflict, including in General Staff communiqués.<sup>76</sup> Llap OZ police and intelligence services actively sought to conceal the scope and nature of their activities from KFOR,<sup>77</sup> and, on at least one occasion, obstructed efforts by KFOR to investigate and arrest a KLA member involved in the detention and mistreatment of a civilian.<sup>78</sup>

16. In addition to existing structures, as part of the KLA's planned transition and consistent with instructions from Prime Minister Hashim THAÇI,<sup>79</sup> the Llap OZ Command created a national guard in May 1999, which operated under the Zone Command,<sup>80</sup> as confirmed in Proposed Exhibits.<sup>81</sup> JCE member Sylejman SELIMI was the overall national guard commander.<sup>82</sup> In the Llap OZ, members of the national

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00240608 / SITF00240606-SITF00240608-ET); 155 (SITF00244897-00244902 / SITF00244897-SITF00244902-ET); 157 (SITF00242297-00242297 / SITF00242297-SITF00242297-ET); 158 (SITF00240985-00240985 / SITF00240985-SITF00240985-ET); 160 (SITF00240703-00240703 / SITF00240703-SITF00240703-ET); 163 ( U017-2912-U017-2931 / U017-2912-U017-2931-ET); 164 (SITF00240536-00240536 / SITF00240536-SITF00240536-ET); 165 (SITF00241755-00241755 / SITF00241755-SITF00241755-ET); 167 (U017-2932-U017-2990 / U017-2932-U017-2990-ET, pp.U017-2939, U017-2986-U017-2988); 173 (SITF00244223-00244223 / SITF00244223-SITF00244223-ET); 175 (SPOE00089126-00089127 / SPOE00089126-00089127); 177 (SITF00240576-00240576 / SITF00240576-00240576-ET, concerning investigations and questioning of individuals who 'had the blessing and assistance of the Serbian authorities' or 'were under the care of the Serbian police').

<sup>76</sup> For example, in September 1999, the Llap OZ police and intelligence services continued to compile information about, conduct investigations into, and take actions against the son of an alleged collaborator killed in 1997, 'knowing to what family he belonged'. See Annex 1: Items 273 (SITF00244164-00244164 / SITF00244164-SITF00244164-ET); 279 (SITF00243170-00243283 / SITF00243171-SITF00243282-ET Revised, pp.SITF00243193, SITF00243212). The General Staff took responsibility for the killing in a 1997 communique. See P00269 / P00269 ET.9.

<sup>77</sup> See e.g. Annex 1: Items 163 (U017-2912-U017-2931 / U017-2912-U017-2931-ET, p.U017-2926); 240 (SITF00241599-00241599 / SITF00241599-SITF00241599-ET); 250 (SITF00244125-00244125 / SITF00244125-SITF00244125-ET); 279 (SITF00243170-00243283 / SITF00243171-SITF00243282-ET Revised, p.SITF00243216).

<sup>78</sup> See e.g. Annex 1: Item 279 (SITF00243170-00243283 / SITF00243171-SITF00243282-ET Revised, p.SITF00243220). See also Item 163 (U017-2912-U017-2931 / U017-2912-U017-2931-ET, p.U017-2926).

<sup>79</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.120.

<sup>80</sup> Transcript (W04746), 13 July 2023, pp.5658-5660 (each Zone was supposed to have a national guard); Transcript (W04323), 13 June 2023, pp.4720-4722.

<sup>81</sup> See e.g. Annex 1: Items 127 (SITF00242163-00242296 / SITF00242163-SITF00242296-ET, pp.SITF00242227, SITF00242232); 187 (SITF00242307-00242307 / SITF00242307-SITF00242307-ET). See also SPOE00055678-00056018 / SPOE00055678-SPOE00056018-ET, pp.SPOE00055964-SPOE00055965.

<sup>82</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.120.

guard were involved in the detention and mistreatment of Opponents in summer 1999.<sup>83</sup>

17. Throughout summer 1999, Llap OZ commanders continued to report on, liaise with KFOR about, and be concerned with the potential resumption of hostilities, as reflected in Proposed Exhibits concerning attacks by Serbs coming from or returning in the direction of Serbia,<sup>84</sup> Serbs approaching the border and firing shots,<sup>85</sup> KLA warnings that they would deploy to the border if KFOR did not provide sufficient security,<sup>86</sup> and the presence and plans of allegedly active Serbian paramilitaries in Kosovo.<sup>87</sup>

18. As set out above, the Proposed Exhibits, which relate to various allegations and charges in the Indictment, and corroborate and complement witness testimony, other documentary evidence, and noticed adjudicated facts, are *prima facie* relevant.

B. THE PROPOSED EXHIBITS ARE *PRIMA FACIE* AUTHENTIC AND RELIABLE

19. The Proposed Exhibits contain multiple indicia of authenticity, as indicated for each in Annex 1.<sup>88</sup> Many bear official headers, signatures (including of Rexhep

<sup>83</sup> See e.g. Annex 1: Item 127 (SITF00242163-00242296 / SITF00242163-SITF00242296-ET Revised, pp.SITF00242229, SITF00242285). See also Transcript (W04323), 13 June 2023 (Private), pp.4723-4728.

<sup>84</sup> See e.g. Annex 1: Items 143 (SITF00241993-00242046 / SITF00241993-SITF00242046-ET, p.SITF00242025/33); 148 (SITF00243435-00243460 / SITF00243435-SITF00243460-ET, pp.SITF00243437-SITF00243439/2, SITF00243452/15, SITF00243456/19); 175 (SPOE00089126-00089127); 231 (SITF00243711-00243711 / SITF00243711-SITF00243711-ET); 257 (SITF00244137-00244137 / SITF00244137-SITF00244137-ET).

<sup>85</sup> See e.g. Annex 1: Item 279 (SITF00243170-00243283 / SITF00243171-SITF00243282-ET Revised, pp.SITF00243198, SITF00243211). See also Items 148 (SITF00243435-SITF00243460-ET, pp.SITF00243437-SITF00243439/2, SITF00243441/4, SITF00243456/19); 231 (SITF00243711-00243711 / SITF00243711-SITF00243711-ET).

<sup>86</sup> See e.g. Annex 1: Item 279 (SITF00243170-00243283 / SITF00243171-SITF00243282-ET Revised, pp.SITF00243198, SITF00243211). See also Item 148 (SITF00243435-SITF00243460-ET, p.SITF00243441/4).

<sup>87</sup> See e.g. Annex 1: Item 215 (SITF00244855-00244861 / SITF00244855-SITF00244861-ET). See also Items 166 (SITF00240540-00240541 / SITF00240540-SITF00240541-ET); 217 (SITF00240515-00240515 / SITF00240515-SITF00240515-ET), 257 (SITF00244137-00244137 / SITF00244137-SITF00244137-ET).

<sup>88</sup> For purposes of assessing certain of the indicia (such as signatures, insignia, stamps, seals, and formatting) identified below and in Annex 1, the original should also be consulted.



SELIMI<sup>89</sup> and other JCE members, such as Commander Remi,<sup>90</sup> Latif Gashi,<sup>91</sup> and other KLA and PGoK officials), reference numbers, stamps, seals, and insignia.<sup>92</sup>

20. In addition to such formalities, other indicia of authenticity can be seen when the collection is viewed holistically. For example, as reflected in detail in Annex 1: (i) many of the Proposed Exhibits, including from different periods of time, were signed, prepared, and issued by, and/or concern, the same persons (including KLA members and alleged collaborators);<sup>93</sup> (ii) administrative and operational records track similar information, often using comparable or even identical formatting, and standard templates;<sup>94</sup> (iii) many of the Proposed Exhibits contain detailed information,

<sup>89</sup> See e.g. Annex 1: Item 2 (090568-090568 / 090568-090568-ET).

<sup>90</sup> See e.g. Annex 1: Items 55 (090760-090760 / 090760-090760-ET); 63 (U000-4244-U000-4244 / U000-4244-U000-4244-ET); 66 (090548-090548 / 090548-090548-ET); 70 (U000-9678-U000-9678 / U000-9678-U000-9678-ET); 71 (U000-9680-U000-9680 / U000-9680-U000-9680-ET); 170 (SITF00240566-00240566 / SITF00240566-SITF00240566-ET). See also Items 3 (U000-4232-U000-4232 / U000-4232-U000-4232-ET); 4 (091035-091035 / 091035-091035-ET); 5 (U000-4175-U000-4175 / U000-4175-U000-4175-ET); 6 (U000-4248-U000-4248 / U000-4248-U000-4248-ET); 7 (U000-9005-U000-9005 / U000-9005-U000-9005-ET); 8 (U000-9011-U000-9011 / U000-9011-U000-9011-ET); 9 (U000-9013-U000-9013 / U000-9013-U000-9013-ET); 10 (090549-090549 / 090549-090549-ET); 11 (U000-4226-U000-4226 / U000-4226-U000-4226-ET); 21 (U000-4240-U000-4240 / U000-4240-U000-4240-ET); 23 (U000-9710-U000-9792 / U000-9710-U000-9792-ET, pp. U000-9734-U000-9737, U000-9748, U000-9778-U000-9780); 28 (090551-090551 / 090551-090551-ET); 29 (090569-090569 / 090569-090569-ET); 43 (090372-090375 / 090372-090375-ET); 65 (090547-090547 / 090547-090547-ET); 67 (090570-090570 / 090570-090570); 68 (090571-090571 / 090571-090571-ET); 69 (090572-090572 / 090572-090572-ET); 81 (U001-0395-U001-0396 / U001-0395-U001-0396-ET, p.U001-0396); 201 (SITF00243669-00243669 / SITF00243669-SITF00243669-ET).

<sup>91</sup> See e.g. Annex 1: Items 180 (SITF00243675-00243675 / SITF00243675-SITF00243675-ET); 129 (SITF00244393-00244394 / SITF00244393- SITF00244394-ET).

<sup>92</sup> See, similarly, Sixth Decision on Specialist Prosecutor's Bar Table Motion, KSC-BC-2020-06/F01983, 5 December 2023 ('Sixth Decision'), paras 85, 111, 119.

<sup>93</sup> See e.g. Annex 1: Items (signed by 'Daja') 3 (U000-4232-U000-4232 / U000-4232-U000-4232-ET); 4 (091035-091035 / 091035-091035-ET); 5 (U000-4175-U000-4175 / U000-4175-U000-4175-ET); 6 (U000-4248-U000-4248 / U000-4248-U000-4248-ET); 7 (U000-9005-U000-9005 / U000-9005-U000-9005-ET); Items (signed by Nuredin IBISHI ('Leka')) 17 (U001-0041-U001-0095 / U001-0042-U001-0095-ET), 18 (pp.U001-0120-U001-0125, U001-0115-U001-0128 / U001-0115-U001-0128-ET) 38 (091014-091014 / 091014-091014-ET); Items (concerning Fadil SYLEVIQ) 88 (091161-091170 / 091156-091170-ET); 89 (091083-091087 / 091083-091087-ET); 90 (U001-0430-U001-0446 / U001-0430-U001-0446-ET); 94 (091091-091093 / 091091-091093-ET); 96 (091096-091098 / 091096-091098-ET); 98 (091133-091138 / 091133-091138-ET). See also Annex 1: Items 133 (SITF00240531-00240531 / SITF00240531-SITF00240531-ET); 134 (SITF00240842-00240846 / SITF00240842-SITF00240846-ET); 206 (SITF00240649-00240649 / SITF00240649-SITF00240649-ET).

<sup>94</sup> See e.g. Annex 1: Items (appointments) 4 (091035-091035 / 091035-091035-ET); 8 (U000-9011-U000-9011 / U000-9011-U000-9011-ET); 10 (090549-090549 / 090549-090549-ET); 12 (090550-090550 / 090550-090550-

including on routine and administrative matters, that only Llap OZ KLA members would be in a position to know; and (iv) numerous Proposed Exhibits are interconnected with and/or corroborated by admitted evidence, other Proposed Exhibits, other items on the Exhibit List, and witness evidence.<sup>95</sup>

21. Finally, while proof of provenance or authorship is not required,<sup>96</sup> the provenance of each Proposed Exhibit is indicated in Annex 1. In addition to one item seized by the SPO from Rexhep SELIMI's residence,<sup>97</sup> the majority of the Proposed Exhibits were either: (i) seized by the Serbian authorities from KLA bases and members during the Indictment period;<sup>98</sup> or (ii) seized during UNMIK searches of

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ET); 13 (U000-4302-U000-4302 / U000-4302-U000-4302-ET); Items (seizures) 67 (090570-090570 / 090570-090570-ET); 68 (090571-090571 / 090571-090571-ET); 70 (U000-9678-U000-9678 / U000-9678-U000-9678-ET); 71 (U000-9680-U000-9680 / U000-9680-U000-9680-ET); Items (summonses) 185 (SITF00241786-00241786 / SITF00241786-SITF00241786-ET); 212 (SITF00240623-00240623 / SITF00240623-SITF00240623-ET); 224 (SITF00241788-00241788 / SITF00241788-SITF00241788-ET); 225 (SITF00241787-00241787 / SITF00241787-SITF00241787-ET).

<sup>95</sup> See e.g. Annex 1: Items 78 (091036-091049 / 091036-091049-ET); 83 (090559-090562 / 090559-090562-ET); 103 (091187-091189 / 091187-091189-ET); 104 (091106-091113 / 091106-091113-ET); 105 (091129-091130 / 091129-091130-ET); 106 (091116-091123 / 091116-091123-ET); 107 (091171-091173 / 091171-091173-ET); 108 (090557-090558 / 090557-090558-ET); 110 (091144-091151 / 091144-091151-ET); 124 (SITF00243091-00243150 / SITF00243091-SITF00243150-ET); 126 (SITF00242576-00242576 / SITF00242574-00242575); 127 (SITF00242163-00242296 / SITF00242163-SITF00242296-ET). See also Items 53 (U001-0259-U001-0262 / U001-0259-U001-0261-ET); 88 (091156-091159, 091160-091160, 091161-091170 / 091156-091170-ET); 89 (091083-091087); 90 (U001-0430-U001-0446 / U001-0430-U001-0446-ET); 96 (091096-091098 / 091096-091098-ET); 98 (091133-091138 / 091133-091138-ET).

<sup>96</sup> See e.g. Decision on Veseli Defence Request for Leave to Appeal Decision to Admit P959 and P960, KSC-BC-2020-06/F02157, 29 February 2024, paras 12, 14, 16.

<sup>97</sup> See e.g. Annex 1: Item 73 (SPOE00226853-SPOE00226853 / SPOE00226853-SPOE00226853-ET).

<sup>98</sup> See e.g. 090286-090292 / 090287-090292-ET Revised, pp.090289-090290 (concerning the following Proposed Exhibits: Annex 1: Items 42 (090341-090369), 43 (090372-090375), 44 (090473-090478); 65 (090547-090547); 66 (090548-090548), 10 (090549-090549); 12 (090550-090550); 28 (090551-090551); 108 (090557-090558); 83 (090559-090562); 1 (090563-090563); 80 (090564-090564); 2 (090568-090568); 29 (090569-090569); 67 (090570-090570); 68 (090571-090571); 69 (090572-090572); 30 (090604-090606); 20 (090630-090630); 55 (090760-090760); 14 (090763-090835); 19 (090843-090854); 15 (090856-090918); 100 (090920-090922); 64 (090925-090928); 82 (090933-090938); 38 (091014-091014); 109 (091016-091018); 4 (091035-091035); 78 (091036-091049); 79 (091050-091070); 33 (091075-091079); 102 (091081-091082); 89 (091083-091087); 93 (091088-091090); 94 (091091-091093); 111 (091094-091095); 96 (091096-091098); 84 (091099-091105); 104 (091106-091113); 92 (091114-091115); 106 (091116-091123); 87 (091124-091128); 105 (091129-091130); 91 (091131-091132); 98 (091133-091138); 110 (091144-091151); 123 (091152-091152); 101 (091155-091155); 88 (091156-091159; 091160-091160; 091161-091170); 107 (091171-091173); 99 (091176-091185); 103 (091187-091189)); ICTY, *Prosecutor v. Haradinaj et al.*, IT-04-84-T, Prosecution's Submission of Chain of Custody Information for Exhibits Tendered through Bislim Zyrapi, 7 November 2007,

Llap OZ intelligence officer Naim KADRIU's residence and office, Latif GASHI's residence, and the SHIK headquarters in Prishtinë/Priština in 2002.<sup>99</sup> Kadri VESELI and Latif GASHI had their offices at these headquarters from mid-1999 to at least 2002,<sup>100</sup> when the relevant Proposed Exhibits were seized. Notably, documents forming part of the relevant, seized collections have been authenticated by witnesses,<sup>101</sup> which buttress the authenticity of the collections as a whole, also considering the multiple indicia of authenticity on the face of the documents and their corroborative nature.

C. THE PROBATIVE VALUE OF THE PROPOSED EXHIBITS IS NOT OUTWEIGHED BY ANY PREJUDICE

22. As the Proposed Exhibits are *prima facie* authentic, reliable, and relevant, they have probative value. No prejudice outweighs such probative value. The Defence has had and will have ample opportunity to address and make submissions concerning the Proposed Exhibits, put their contents to witnesses, and lead evidence to the contrary.<sup>102</sup> At the end of the trial, the Panel will assess what weight to assign any admitted exhibits in light of the entire record.<sup>103</sup>

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Annex A (Investigator Declaration), paras 3, 13 (concerning documents provided to the SPO by the ICTY and falling in ERN range U000-0287-U002-3928).

<sup>99</sup> SPOE00086472-SPOE00086497, pp.SPOE00086474-SPOE00086478, SPOE00086488-SPOE00086497; SPOE00037661-SPOE00037756 RED, pp.SPOE00037661-SPOE00037665, SPOE00037712-SPOE00037713, SPOE00037749; SITF00428950-00429042, p.SITF00428979; SPOE00089022-00089024. The inventory of seized items is SPOE00089022-00089024. The chart included in Annex 2 associates the ERNs of the relevant Proposed Exhibits with the inventory items and corresponding photographs taken by the SITF when collecting the materials from EULEX archives in 2014.

<sup>100</sup> See e.g. 082849-082881 / 082849-082881-ET, p.13, para.53; 082883-TR-ET Part 15 Revised 2, pp.26-27; 083221-TR-ET Part 9, pp.6-9; SPOE00052989-00053037 / SPOE00052992-SPOE00053035-ET, pp.SPOE00053015-00053016; 068739-TR-ET Part 4, p.16.

<sup>101</sup> See e.g. Transcript (W04746), 12 July 2023, pp.5580-5581, 5584-5585; Transcript (W04746), 17 July 2023, pp.5903-5915, 5910-5912; Transcript (W03540), 19 June 2023, pp.5028-5030. See also 055535-TR-ET Part 5, pp.2, 14; SITF00069032-00069050 / SITF00069032-SITF00069049-AT RED, pp.4-5.

<sup>102</sup> See, *similarly*, Sixth Decision, KSC-BC-2020-06/F01983, paras 32, 87, 97, 105, 113, 121.

<sup>103</sup> Sixth Decision, KSC-BC-2020-06/F01983, para.129.

D. SITF00069013-SITF00069013 SHOULD BE ADDED TO THE EXHIBIT LIST

23. SITF00069013-SITF00069013/SITF00069013-SITF00069013-ET<sup>104</sup> is a list of persons who were being detained at Llapashticë/Lapaštica by the Llap OZ military police on 18 February 1999. The list is *prima facie* relevant, as it shows that, *inter alia*, scheduled Indictment victims were amongst the persons being held at the Llapashticë/Lapaštica charged crime site and also indicates how long they had been in detention and on what grounds. While the SPO did not previously seek inclusion of this document on the Exhibit List due to its largely duplicative nature to the document admitted as Exhibit P00224,<sup>105</sup> as was apparent during the questioning of W02161, SITF00069013-SITF00069013 has unique evidential significance. The document is dated the same day as W02161's visit to the detention facility at Llapashticë/Lapaštica,<sup>106</sup> and provided an additional basis from which to test and explore W02161's recollection of the details of that visit.<sup>107</sup>

24. In light of a translation error highlighted during questioning, the SPO prepared and disclosed a revised translation on 8 January 2024.<sup>108</sup> The request is therefore timely considering: (i) it is being submitted, in the interest of judicial economy, together with the relevant bar table motion; (ii) the 11 December 2023 questioning that tied the document to W02161's testimony and to the reliability of her evidence and that of already-admitted exhibits containing related information;<sup>109</sup> and (iii) the timing of the corrected translation. No undue prejudice would result from

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<sup>104</sup> See Annex 1: Item 125.

<sup>105</sup> P00224 / P00224\_ET (SITF00069190-SITF00069190 / SITF00069191-SITF00069192) is dated 13 March 1999 and contains duplicate information for the first seven names in SITF00069013-SITF00069013. The person listed at no. 8 in SITF00069013-SITF00069013 is not listed in P00224 / P00224\_ET, which contains different names at no. 8-11.

<sup>106</sup> Transcript, (W02161), 11 December 2023, pp.10916-10917.

<sup>107</sup> See e.g. Transcript (W02161), 11 December 2023, pp.10912-10930.

<sup>108</sup> See also Email from SPO to Panel, Parties, and Participants on 16 January 2024 at 16.01 (concerning correction of a translation error in the document, as identified during questioning).

<sup>109</sup> For example, the witness was also questioned about related information in Exhibits 1D00007 / 1D00007\_AT, P00104 / P00104\_AT, P00116, P00003 / P00003\_AT, P00010, and two pages from SITF00243091-00243150 that are part of P00738 / P00738\_ET.

adding this item to the Exhibit List, as the Defence has had sufficient notice of the document, which is only one page long.<sup>110</sup> Moreover, this and other documents containing similar information have been discussed extensively in court, and the Defence have had and will continue to have ample opportunity to challenge their reliability.

### III. CLASSIFICATION

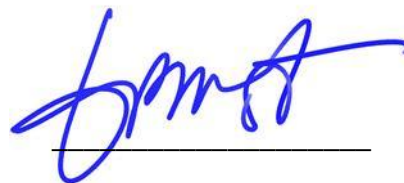
25. Annex 1 is confidential to give effect to existing protective measures and to safeguards the interests and privacy of third parties. Annex 2 includes information from underlying investigative documents classified as confidential. Annex 3 contains information redacted from the public version of the Indictment.

26. For each Proposed Exhibit, the proposed classification is indicated in Annex 1, justifying confidential classification, where appropriate.<sup>111</sup>

### IV. RELIEF REQUESTED

27. For the foregoing reasons, the Panel should: (i) authorise the addition of SITF00069013-SITF00069013 to the Exhibit List; and (ii) admit the Proposed Exhibits.

**Word count: 5,968**



**Kimberly P. West**

**Specialist Prosecutor**

Thursday, 14 March 2024

At The Hague, the Netherlands.

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<sup>110</sup> SITF00069013-SITF00069013 (disclosed on 21 June 2021 under Rule 103); SITF00069014-SITF00069015 (disclosed on 11 November 2022 under Rule 102(3)).

<sup>111</sup> See First Decision, KSC-BC-2020-06/F01409, para.22.