



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

**In:** KSC-BC-2023-12  
Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj,  
Isni Kilaj, Fadil Fazliu and Hajredin Kuçi

**Before:** Pre-Trial Judge  
Judge Marjorie Masselot

**Registrar:** Dr Fidelma Donlon

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

**Date:** 7 April 2025

**Language:** English

**Classification:** Public

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Public redacted version of 'Prosecution [REDACTED] and related submissions'

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## I. INTRODUCTION

1. Pursuant to Articles 23, 35(2)(f) and 39(11) of the Law<sup>1</sup> and Rule 80 of the Rules,<sup>2</sup> and further to the Protective Measures Decision,<sup>3</sup> the Specialist Prosecutor's Office ('SPO') hereby provides [REDACTED]. In addition, with reference to Article 17 of the Code of Conduct,<sup>4</sup> and as detailed below, the SPO requests certain supplements to the Contact Protocol.<sup>5</sup>

## II. SUBMISSIONS

### A. [REDACTED] AND REQUEST FOR PROTECTIVE MEASURES

2. Following [REDACTED] of sixteen individuals implicated by the charges in this case ('Group A'),<sup>6</sup> the SPO now requests that:

- (i) the identity of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] be reclassified as public; and
- (ii) the confidentiality of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] be maintained.

3. Disclosure of the identity of the individuals at (ii) above to the public could pose an objective risk to their security and well-being, and that of their families. As outlined

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<sup>1</sup> Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). Unless otherwise indicated, all references to 'Article(s)' are to the Law.

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

<sup>3</sup> Decision on Prosecution Request for Protective Measures, KSC-BC-2023-12/F00172, 11 February 2025, Confidential ('Protective Measures Decision'), paras 34, 43(d).

<sup>4</sup> Code of Professional Conduct for Counsel and Prosecutors Before the Kosovo Specialist Chambers, KSC-BD-07/Rev1/2021, 28 April 2021 ('Code of Conduct').

<sup>5</sup> Decision on Framework for the Handling of Confidential Information and Witness Contacts, KSC-BC-2023-12/F00173, 12 February 2025, Confidential ('Contact Protocol').

<sup>6</sup> See Protective Measures Decision, KSC-BC-2023-12/F00172, paras 31-34.

below, in the circumstances, non-disclosure is necessary, proportionate, and does not cause any prejudice to the Defence – who know the identity of each of them.

4. All of the individuals under (ii) above qualify as ‘other [persons] at risk’ in these proceedings.<sup>7</sup> [REDACTED]. [REDACTED],<sup>8</sup> [REDACTED]. In this context, [REDACTED].<sup>9</sup> Equally, [REDACTED].

5. It is recalled that the proceedings in Case 06 have taken place in a persistent climate of intimidation and interference.<sup>10</sup> Indeed, this very case is demonstrative of the real risks of targeting and interference faced by those who are associated with the Case 06 proceedings as potential witnesses. Even in recent months, there are examples of witnesses who have faced intense public scrutiny and pressure in connection with their testimony.<sup>11</sup>

6. The SPO therefore requests, in line with its Protective Measures Request, that these individuals (i) continue to be identified through the pseudonyms used in the PRV Confirmed Indictment;<sup>12</sup> (ii) that the pseudonyms used in Case 06 and/or their names continue to be redacted in any document disclosed to the public; and (iii) private session be used when discussing these individuals during the proceedings. Should these individuals’ circumstances change, the SPO will notify the Pre-Trial Judge accordingly.

#### B. REQUEST FOR SUPPLEMENTATION OF THE CONTACT PROTOCOL

7. The SPO continuously reviews the security situation of its witnesses in light of specific events and incidents, procedural developments before the Kosovo Specialist

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<sup>7</sup> See Protective Measures Decision, KSC-BC-2023-12/F00172, para.34.

<sup>8</sup> [REDACTED].

<sup>9</sup> [REDACTED].

<sup>10</sup> See e.g. *Specialist Prosecutor v. Hashim Thaçi*, Decision on Periodic Review of Detention of Hashim Thaçi, KSC-BC-2020-06/F02926, para.22.

<sup>11</sup> See e.g. Arberi, ‘Denigrating graffiti for Fadil Geci are place in Pristina’, 25 October 2024, accessed at [www.koha.net/arberi/grafite-denigruse-per-fadil-gecin-vendosen-ne-prishtine](http://www.koha.net/arberi/grafite-denigruse-per-fadil-gecin-vendosen-ne-prishtine).

<sup>12</sup> Annex 1 to Submission of public redacted version of Confirmed Indictment, KSC-BC-2023-12/F00055/A01, 6 December 2024 (‘PRV Confirmed Indictment’).

Chambers ('KSC') and the pervasive climate of witness intimidation in Kosovo. While conducting [REDACTED], [REDACTED], the SPO has also considered the implications of the Contact Protocol on the security situation of the individuals whose protective measures in Case 06 continue to also apply in the present case ('Group B').<sup>13</sup>

8. The Contact Protocol in this case authorises Defence Counsel to contact relevant witnesses and victims,<sup>14</sup> including certain individuals who are subject to protective measures in Case 06. However, Defence Counsel are not familiar with the complex and continuously evolving security situation of these sensitive individuals, their family environment, or, for example, how any contact by people associated with the KSC may be perceived within their community. For this reason, and to ensure that any contact is done in a manner which is cognisant of such factors, the SPO requests that the Contact Protocol be supplemented to include additional safeguards for these individuals, namely a duty on the part of Defence Counsel to notify the SPO and the Witness Protection and Support Office ('WPSO') of their intention to contact any of the protected individuals, and a corresponding duty for the SPO and/or the WPSO to ascertain whether the concerned protected individuals consent to being contacted and/or interviewed.

9. For these purposes, the SPO requests that the Contact Protocol be supplemented to include the following language after paragraph (b) of Section II of the Contact Protocol:

c. Counsel shall notify the SPO and the Witness Protection and Support Office ('WPSO') at least ten days in advance if the Defence wishes to contact and/or interview any Group B witness or victim whose identity has been notified to the Defence in the present case or any other case before the SC, or a witness whom the SPO intends to call to testify or on whose statement it intends to rely.

d. The SPO, or in appropriate circumstances the WPSO, shall ascertain in good faith if the witness consents to being contacted and/or interviewed by Counsel. The SPO and the

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<sup>13</sup> [REDACTED]. See Protective Measures Request, KSC-BC-2023-12/F00087, para.2(B) and footnote 9; Protective Measures Decision, KSC-BC-2023-12/F00172, paras 35-36, 43(e).

<sup>14</sup> Contact Protocol, KSC-BC-2023-12/F00173, para.40, II(a).

WPSO shall inform Counsel whether the witness consents. Once a witness has agreed to being contacted and/or interviewed, the SPO, in consultation with WPSO, shall provide Counsel with any information concerning whether the witness has any special needs as defined in Rule 146 of the Rules or requires special measures as listed in Rule 80(4)(c) of the Rules.

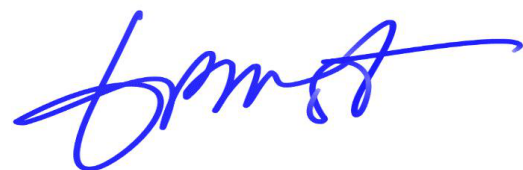
### III. CLASSIFICATION

10. This filing is strictly confidential and *ex parte* because it contains information of which Defence Counsel in this case is not privy. A confidential redacted version is also filed.

### IV. RELIEF REQUESTED

11. For the foregoing reasons, the SPO requests the Pre-Trial Judge to grant the relief requested at paragraphs 2, 6 and 9 above.

**Word count: 1,298**



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**Kimberly P. West**  
**Specialist Prosecutor**

Monday, 7 April 2025

At The Hague, the Netherlands.