



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2023-12

**The Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj, Isni
Kilaj, Fadil Fazliu and Hajredin Kuçi**

Before: Pre-Trial Judge

Judge Marjorie Masselot

Registrar: Fidelma Donlon

Date: 15 April 2025

Language: English

Classification: Public

Order on the Filing of Public Redacted Versions

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 82 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues the following order.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 7 April 2025, the Pre-Trial Judge issued the "Second Decision on Review of Detention of Bashkim Smakaj" and ordered therein the Parties to either file public redacted versions of their respective related submissions – currently classified as confidential – or request their reclassification as public.²

2. On the same day, the Defence for Bashkim Smakaj ("Smakaj Defence") requested the Pre-Trial Judge to order the reclassification of its related submission³ as public ("Smakaj Defence Request for Reclassification").⁴

3. Similarly, on 10 April 2025, the Specialist Prosecutor's Office ("SPO") requested the reclassification of its related submission,⁵ as well as of another unrelated filing,⁶ as public ("Prosecution Request for Reclassification").⁷

¹ KSC-BC-2023-12, F00015, President, *Decision Assigning a Pre-Trial Judge*, 6 June 2024, public.

² KSC-BC-2023-12, F00249, Pre-Trial Judge, *Second Decision on Review of Detention of Bashkim Smakaj*, 7 April 2025, public, para. 49(c).

³ Referring to KSC-BC-2023-12, F00238, Smakaj Defence, *Smakaj Response to Prosecution Submissions on Review of Detention*, 21 March 2025, confidential.

⁴ KSC-BC-2023-12, F00253, Smakaj Defence, *Request Re-classification of F00238*, 7 April 2025, public.

⁵ Referring to KSC-BC-2023-12, F00243, Specialist Prosecutor, *Prosecution Reply to 'Smakaj Response to Prosecution Submissions on Review of Detention'*, 27 March 2025, confidential.

⁶ Referring to KSC-BC-2023-12, F00234, Specialist Prosecutor, *Prosecution Response to 'Kilaj Submissions on Review of Detention'*, 21 March 2025, confidential. The reclassification thereof as public was ordered by the Pre-Trial Judge in an email sent to the Court Management Unit on 11 April 2025; see KSC-BC-2023-12, CRSPD65, *Reclassification of F00234*, 11 April 2025, confidential.

⁷ KSC-BC-2023-12, F00255, Specialist Prosecutor, *Prosecution Request to Reclassify F00234 and F00243*, 10 April 2025, public.

II. APPLICABLE LAW

4. Pursuant to Article 39(13) of the Law, the Pre-Trial Judge may issue any order as may be necessary for the preparation of a fair and expeditious trial.

5. Pursuant to Rule 82(3) of the Rules, any filing classified as confidential or strictly confidential shall be treated according to that classification unless and until otherwise ordered by a Panel.

6. Pursuant to Rule 82(5) of the Rules, where the basis for a classification no longer exists, whoever submitted the original filing shall apply to the Panel for reclassification. A Panel may also reclassify a filing upon request by any other participant or *proprio motu*.

III. DISCUSSION

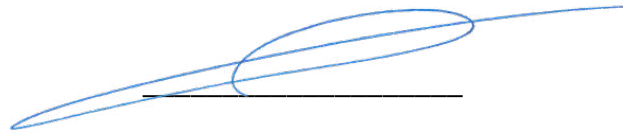
7. The Pre-Trial Judge observes that both the Smakaj Defence and the SPO submissions (F00238 and F00243 respectively) contain confidential information related to the content of an interview given by a witness to the SPO. Hence, neither submission may be reclassified as public at this stage. Therefore, the Pre-Trial Judge rejects the Smakaj Defence Request for Reclassification and the Prosecution Request for Reclassification and orders both Parties to file public redacted versions of their respective submissions by no later than **Friday, 25 April 2025**.

IV. DISPOSITION

8. For the above reasons, the Pre-Trial Judge hereby:

- a. **REJECTS** the Smakaj Defence Request for Reclassification and the Prosecution Request for Reclassification; and

- b. **ORDERS** the Smakaj Defence and the SPO to file public redacted versions of F00238 and F00243 respectively, by no later than **Friday, 25 April 2025**.



Judge Marjorie Masselot
Pre-Trial Judge

Dated this Tuesday, 15 April 2025

At The Hague, the Netherlands.