



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:** 12 May 2025

**Language:** English

**Classification:** Public

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**Prosecution response to Kilaj reclassification request (F00276)**

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1. Pursuant to Rule 76 of the Rules,<sup>1</sup> the Specialist Prosecutor's Office ('SPO') hereby responds to the KILAJ Reclassification Request.<sup>2</sup>
2. Following extensive and useful *inter partes* discussions, the SPO and the KILAJ Defence have resolved the issues raised by the KILAJ Reclassification Request.<sup>3</sup>
3. First, KILAJ has agreed to withdraw for now his reclassification request for certain SPO filings.<sup>4</sup>
4. Second, after further review and discussion with the SPO, KILAJ has confirmed that he has received access via Legal Workflow to the confidential redacted or lesser confidential redacted version of several of the filings identified in the KILAJ Classification Request.<sup>5</sup> KILAJ thus withdraws for now his request for any judicial action regarding these SPO filings.<sup>6</sup>
5. Third, regarding the remaining SPO filings identified by KILAJ, the Parties agree that the SPO has already requested that they be made available to all Accused,<sup>7</sup> and this request apparently remains pending with the Court Management Unit ('CMU') of the Registry. Accordingly, the parties agree that no further action is required of the

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<sup>1</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>2</sup> Corrected version of Kilaj request for reclassification of filings relating to monitoring and recording of non-privileged visits, KSC-BC-2023-12/F00276/COR, 30 April 2025 ('KILAJ Reclassification Request').

<sup>3</sup> The KILAJ Defence has reviewed this filing.

<sup>4</sup> Specifically, KILAJ has agreed for now to withdraw his request to access the following KSC-BC-2018-01 filings: F00385, F00409, F00422, and F00429. Relatedly, KILAJ also withdraws for now his request for the corresponding judicial decisions/orders arising from these SPO filings.

<sup>5</sup> Specifically, KILAJ has received access to the following Case 12 INV-subfolder filings: F00009/CONF/RED2 (KSC-BC-2018-01/F00340/CONF/RED2); F00011/CONF/RED2 (KSC-BC-2018-01/F00344/CONF/RED2); F00016/CONF/RED2 (KSC-BC-2018-01/F00358/CONF/RED2); F00018/CONF/RED2 (KSC-BC-2018-01/F00361/CONF/RED2); F00021/CONF/RED2 (KSC-BC-2018-01/F00364/CONF/RED2); F00023/COR2/CONF/RED2 (KSC-BC-2018-01/F00380//COR2/CONF/RED2); F00027/CONF/RED2 (KSC-BC-2018-01/F00435/CONF/RED2).

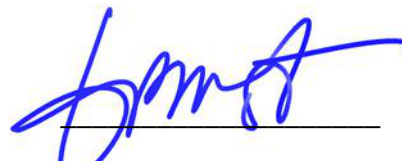
<sup>6</sup> The SPO will continue to review the (lesser) confidential redacted versions of these filings to determine if any further lifting of redactions is possible.

<sup>7</sup> The implementation of the requested reclassification and notification to all Accused of the following Case 12 INV-subfolder filings identified by KILAJ remains pending: F00004, F00006, F00013, F00034. See also Public redacted version of 'Prosecution submissions pursuant to Order F00814, KSC-BC-2023-12/INV/F00295/RED, 3 March 2025, para.5, fn.7; Prosecution request for reclassification pursuant to Order F00814, KSC-BC-2023-12/INV/F00293, 3 March 2025, fns 3, 5.

Pre-Trial Judge regarding the SPO filings identified in the KILAJ Reclassification Request.

6. Finally, the SPO has no objection to the reclassification to the Accused of the judicial decisions/orders identified in the KILAJ Reclassification Request to the extent that such decisions/orders (a) correspond to the (non-withdrawn) SPO requests identified in the KILAJ Reclassification Request; and (b) maintain the appropriate corresponding redactions.

**Word count: 440**



**Kimberly P. West**

**Specialist Prosecutor**

Monday, 12 May 2025

At The Hague, the Netherlands