



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2023-12

Before: Pre-Trial Judge
Judge Marjorie Masselot

Registrar: Dr Fidelma Donlon

Filed by: Registrar

Date: 22 April 2025

Language: English

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

Classification: Public

**Public Redacted Version 'Registry Report and Submissions Regarding
Appointment of Independent Counsel**

with one confidential Annex (Filing F00267)

Specialist Prosecutor's Office
Kimberly P. West

Specialist Counsel for Hashim Thaçi
Sophie Menegon

Specialist Counsel for Bashkim Smakaj
Jonathan Elystan Rees

Specialist Counsel for Isni Kilaj
Iain Edwards

Specialist Counsel for Fadil Fazliu
David Young

Specialist Counsel for Hajredin Kuçi
Alexander Admiraal

I. INTRODUCTION

1. Pursuant to the Order of the Pre-Trial Judge¹ [REDACTED]² the Registry submits: (i) [REDACTED] by the [REDACTED]; and (ii) a list of proposed legal professionals [REDACTED] to serve as independent counsel for the purpose of conducting a privilege review of all seized material to which the Specialist Prosecutor's Office ('SPO') seeks or may seek access.

II. PROCEDURAL HISTORY

2. [REDACTED],³ [REDACTED].⁴

3. [REDACTED].⁵ [REDACTED].⁶

4. On 29 November 2024, the Pre-Trial Judge issued a [REDACTED] request for assistance to the [REDACTED] to create forensic copies of additional electronic devices that had been seized from Mr Kuçi and [REDACTED]⁷ as well as generate corresponding Cellebrite report(s) for those devices, where applicable [REDACTED].⁸

5. On 10 December 2024, the Pre-Trial Judge also authorised the SPO's seizure of documents from Mr Kuçi ('Seized Documents') that the SPO had encountered during its execution of a court-authorised search and seizure but which fell outside its scope.⁹ The Pre-Trial Judge further ordered the Registry to take custody of the Seized Documents and to retain them until further order.¹⁰

¹ KSC-BC-2023-12, F00259, Order for Submissions Regarding the Appointment of Independent Counsel, 11 April 2025, confidential ('Order').

² [REDACTED].

³ [REDACTED].

⁴ [REDACTED].

⁵ [REDACTED]. [REDACTED].

⁶ [REDACTED].

⁷ [REDACTED].

⁸ F00039, Confidential Redacted Version of Decision Authorising Search and Seizure and Related Matters, 29 November 2024, confidential ('Authorised Search and Seizure'); [REDACTED].

⁹ F00073, Pre-Trial Judge, Decision on Prosecution Request for Approval of Search and Seizure Measure Pursuant to Rule 38 of the Rules, 10 December 2024, confidential.

¹⁰ Id., paras 42-45.

6. [REDACTED].¹¹
7. [REDACTED].¹²
8. [REDACTED].¹³
9. [REDACTED].¹⁴
10. [REDACTED].¹⁵
11. [REDACTED].¹⁶
12. On 11 April 2025, the Pre-Trial Judge issued an Order specifying that an independent counsel would be appointed to conduct a privilege review of all of the material to which the SPO seeks or may seek access, [REDACTED].¹⁷ The Pre-Trial Judge further instructed the Registrar to submit a list of individuals [REDACTED] to conduct such a privilege review, [REDACTED].¹⁸
13. The [REDACTED] execution of the [REDACTED] is currently ongoing.¹⁹

III. REPORT ON IMPLEMENTATION OF THE [REDACTED]

14. [REDACTED].²⁰ [REDACTED].²¹
15. [REDACTED]. [REDACTED].²²
16. [REDACTED].²³ [REDACTED].
17. [REDACTED].²⁴ [REDACTED].
18. [REDACTED].

¹¹ [REDACTED].

¹² [REDACTED].

¹³ [REDACTED].

¹⁴ [REDACTED].

¹⁵ [REDACTED].

¹⁶ [REDACTED].

¹⁷ Order, para. 19.

¹⁸ Order, para. 19.

¹⁹ [REDACTED].

²⁰ [REDACTED].

²¹ [REDACTED].

²² [REDACTED].

²³ [REDACTED].

²⁴ [REDACTED].

IV. SUBMISSIONS ON INDEPENDENT COUNSEL

19. As specified by the Pre-Trial Judge, the Order issued on 11 April 2025 [REDACTED] as it relates to the identification and selection of independent counsel.²⁵ In the [REDACTED] Order, the Pre-Trial Judge instructed the Registrar to: (a) identify legal professionals [REDACTED] to conduct search queries on electronic devices and review any responsive material, for the purpose of identifying any privileged information in the [REDACTED]; (b) submit for the Pre-Trial Judge's consideration a list of three (3) legal professionals [REDACTED].²⁶

20. In line with the Pre-Trial Judge's Order, the Registry has conducted a careful review of the legal professionals on the Specialist Chambers ('SC') Lists of Counsel.²⁷ The Lists of Counsel contain the names of legal practitioners who are eligible to practice before the SC as Counsel and Co-Counsel. Out of the legal professionals who qualify as Counsel [REDACTED], the Registry has identified three (3) legal professionals, [REDACTED].

21. Accordingly, the Registry hereby submits the following list of legal professionals for the Pre-Trial Judge's consideration, [REDACTED]:

- a. [REDACTED].
- b. [REDACTED].
- c. [REDACTED].

22. [REDACTED].

23. [REDACTED]²⁸ [REDACTED]. [REDACTED].²⁹

24. [REDACTED]. [REDACTED]. [REDACTED].

²⁵ Order, para. 21.

²⁶ Order, para. 19.

²⁷ See Lists of Counsel, available at <https://www.scp-ks.org/sites/default/files/public/20250319-List-of-counsel-ENG.pdf>.

²⁸ [REDACTED].

²⁹ [REDACTED].

V. CLASSIFICATION

25. This filing is classified as confidential pursuant to Rule 82(4) of the Rules.³⁰

Word count: 2844

A handwritten signature in dark ink, appearing to read 'Fidelma Donlon', is written over a horizontal line.

Dr Fidelma Donlon

Registrar

Tuesday, 22 April 2025

At The Hague, the Netherlands

³⁰ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3, 2 June 2020, public ('Rules').