



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 Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 23 May 2025

Language: English

Classification: Confidential

Prosecution Response to 'Urgent Joint Defence Request to Access Confidential Material' (RAC004/F00001)

Specialist Prosecutor's Office

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Counsel for Kadri Veseli

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Counsel for Rexhep Selimi

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Counsel for Jakup Krasniqi

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I. INTRODUCTION

1. The Specialist Prosecutor's Office ('SPO') does not object to Defence access to the *Shala*¹ and *Mustafa*² filings identified in the Request,³ subject to the considerations outlined below.⁴

II. SUBMISSIONS

2. The SPO notes that (i) the requested material has been specifically identified,⁵ (ii) there is an overlap between the *Shala* and *Mustafa* cases and the current proceedings, (iii) the underlying evidence and information has been disclosed, as appropriate, pursuant to Rules 81(1)(b) and 102-103,⁶ (iv) Trial Panel II's established practice is to consult with the panel who ordered the protective measures prior to issuing a decision,⁷ (v) applicable protective measures would continue to apply *mutatis mutandis* in *Thaçi et al.*, and (vi) the relevant filings would retain their confidential status in the present proceedings.⁸ The SPO also observes that Victims'

¹ *Specialist Prosecutor v. Shala*, KSC-BC-2020-04.

² *Specialist Prosecutor v. Mustafa*, KSC-BC-2020-05.

³ Urgent Joint Defence Request to Access Confidential Material, KSC-BC-2020-06/RAC004/F00001 ('Request').

⁴ The applicable law has been set out in previous access decisions. *See e.g.* Decision on Prosecution Request Concerning Access to Confidential Versions of Judgments from Case KSC-BC-2020-05, KSC-BC-2020-06/F02276 (KSC-BC-2020-06/RAC001/F00002), 30 April 2024 ('Access Decision'), paras 5, 7-8, 11; Oral Order of 23 April 2025, KSC-BC-2020-06, pp.26135-26138.

⁵ Request, KSC-BC-2020-06/RAC004/F00001, paras 9-10.

⁶ 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.

⁷ *See e.g.* Oral Order of 23 April 2025, KSC-BC-2020-06, pp.26136-26137; Access Decision, KSC-BC-2020-06/F02276, paras 5, 11.

⁸ *See similarly* Access Decision, KSC-BC-2020-06/F02276, para.14; Oral Order of 23 April 2025, KSC-BC-2020-06, p.26138.

Counsel does not object to the Defence Request.⁹ For these reasons, the SPO has no objection to the Defence accessing the identified filings in the *Shala* and *Mustafa* cases.¹⁰

3. In relation to specific aspects of the Defence Request, the SPO further notes the following:

i) *Prosecutor v. Shala*

- **KSC-BC-2020-04/F00558/RED:**¹¹ The SPO does not object to Defence access to the confidential version of the filing and Annexes 1 and 4.¹²
- **KSC-BC-2020-04/F00585/RED:**¹³ The SPO does not object to the Defence accessing the confidential filing, but notes that there are no annexes associated with this document.¹⁴

ii) *Prosecutor v. Mustafa*

- **KSC-BC-2020-05/F00370:** The SPO observes that it does not have access to this strictly confidential and *ex parte* filing.

III. CLASSIFICATION

4. This filing is confidential pursuant to Rule 82(4) of the Rules. The SPO does not object to its reclassification as public.

⁹ Victims' Counsel's Response to Urgent Joint Defence Request to Access Confidential Material, KSC-BC-2020-06/RAC004, 21 May 2025.

¹⁰ Request, KSC-BC-2020-06/RAC004/F00001, paras 6, 10.

¹¹ Public Redacted Version of Victims' Counsel's Submissions pursuant to the Order of 4 May 2023 setting further procedural steps for the presentation of evidence by Victims' Counsel with six confidential annexes, KSC-BC-2020-04/F00558RED, 30 June 2023.

¹² The Defence requests access to 'at least' Annexes 1 and 4. *See* Request, KSC-BC-2020-06/RAC004/F00001, para.9.

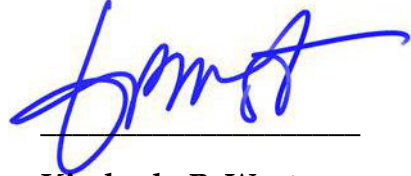
¹³ Public Redacted Version of Defence Response to the Victims' Counsel's Submissions pursuant to the Order of 4 May 2023 setting further procedural steps for the presentation of evidence by Victims' Counsel with six confidential annexes, KSC-BC-2020-04/F00585RED, 14 July 2023.

¹⁴ The Defence requests access to the confidential version of the filing and 'access to the annexes'. *See* Request, KSC-BC-2020-06/RAC004/F00001, para.9.

IV. CONCLUSION

5. In consideration of the foregoing, the SPO does not object to Defence access to the requested filings.

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Specialist Prosecutor

Friday, 23 May 2025

At The Hague, the Netherlands.