



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSC-BC-2020-06

**The 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:** Fidelma Donlon

**Date:** 5 June 2025

**Language:** English

**Classification:** Public

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**Decision on Joint Defence Request for Reclassification of Decisions on  
Confirmation of the Indictment and Amendments to the Indictment**

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**TRIAL PANEL II** (“Panel”), pursuant to Articles 21(2) and (4), 23, and 40(2) and (6)(f) and (h) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 80, 81, and 82(5) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 26 October 2020, the Pre-Trial Judge confirmed the initial indictment against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi (“First Confirmation Decision”).<sup>1</sup>
2. On 22 April 2022, the Pre-Trial Judge confirmed amendments to the confirmed initial indictment (“Second Confirmation Decision”).<sup>2</sup>
3. On 27 January 2023, pursuant to a decision by the Panel,<sup>3</sup> the strictly confidential and *ex parte* version of the confirmed further amended indictment<sup>4</sup> was reclassified as confidential and its *ex parte* status lifted.<sup>5</sup>

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<sup>1</sup> F00026, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte* (a public redacted version was issued on 30 November 2020, F00026/RED; a confidential lesser redacted version was issued on 21 September 2023, F00026/CONF/RED2).

<sup>2</sup> F00777, Pre-Trial Judge, *Decision on the Confirmation of Amendments to the Indictment*, 22 April 2022, strictly confidential and *ex parte* (a public redacted version was issued on 6 May 2022, F00777/RED; a confidential further lesser redacted version was issued on 21 September 2023, F00777/CONF/RED3).

<sup>3</sup> F01229, Panel, *Decision on Indictment Redactions*, 26 January 2023, strictly confidential and *ex parte*, para. 40(a) (a confidential redacted version was issued on 27 January 2023, F01229/CONF/RED).

<sup>4</sup> F00999/A01, Specialist Prosecutor, *Annex 1 to Submission of Confirmed Amended Indictment*, 30 September 2022, confidential (a public further lesser redacted version was issued on 27 February 2023, F01323/A01).

<sup>5</sup> F01239, Registry (Court Management Unit), *Memorandum in Compliance with the ‘Confidential Redacted Version of Decision on Indictment Redactions’*, F1229, 30 January 2023, confidential.

4. On 21 September 2023, the Panel issued confidential lesser redacted versions of the First Confirmation Decision and Second Confirmation Decision (collectively, "Confirmation Decisions").<sup>6</sup>
5. On 20 March 2025, the Panel ordered the reclassification<sup>7</sup> as confidential of the strictly confidential and *ex parte* version of the pre-trial brief submitted by the SPO ("SPO Pre-Trial Brief").<sup>8</sup>
6. On 14 April 2025, the Defence teams for Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi (collectively, "Defence") filed a joint request for reclassification of the Confirmation Decisions ("Request").<sup>9</sup>
7. On 15 April 2025, the SPO filed a notice announcing the closing of its case.<sup>10</sup>
8. On 22 April 2025, the SPO responded to the Request ("Response").<sup>11</sup>
9. The Defence did not reply.

## II. SUBMISSIONS

10. The Defence requests the Panel to reclassify the Confirmation Decisions, currently classified as strictly confidential and *ex parte*, as confidential,<sup>12</sup> to reflect the reclassified version of the SPO Pre-Trial Brief, as the redactions to the Confirmation Decisions were intended to mirror and were based on the same reasoning of redactions in the SPO Pre-Trial Brief.<sup>13</sup> In addition, the Defence argues

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<sup>6</sup> F01808, Panel, *Decision on Selimi Request for Confidential Lesser Redacted Version of Decision on the Confirmation of the Indictment* ("Decision F01808"), 21 September 2023, paras 19, 22(b).

<sup>7</sup> CRSPD768, *Reclassification of SPO Pre-Trial Brief F00709\_A01*, 20 March 2025, confidential.

<sup>8</sup> F00709/A01, *Annex 1 to Prosecution Submission of Corrected Pre-Trial Brief and Related Request*, 24 February 2022, confidential (a public redacted version was issued on 3 April 2023, F01415/A01).

<sup>9</sup> F03110, Specialist Counsel, *Joint Defence Request for Reclassification of Decisions on Confirmation of the Indictment and Amendments to the Indictment*, 14 April 2025, confidential.

<sup>10</sup> F03121, Specialist Prosecutor, *Prosecution Notice Pursuant to Rule 129*, 15 April 2025.

<sup>11</sup> F03134, Specialist Prosecutor, *Prosecution Response to Defence Request for Reclassification of Confirmation Decisions*, 22 April 2025, confidential.

<sup>12</sup> Request, paras 1, 8.

<sup>13</sup> Request, paras 4, 6.

that timely and comprehensive access to the currently redacted information in the Confirmation Decisions will significantly assist the Defence in preparation for the upcoming stages of the trial, including potential submissions under Rule 130 and a potential Defence case.<sup>14</sup>

11. The SPO responds that it does not object to the reclassification of the Second Confirmation Decisions as confidential.<sup>15</sup> However, the SPO submits that certain redactions to the First Confirmation Decision remain necessary to protect confidential information.<sup>16</sup> Nevertheless, the SPO does not object to the issuance of a lesser redacted version of such decision, and indicates which redactions can be removed.<sup>17</sup>

### III. DISCUSSION

12. With reference to the First Confirmation Decision, the Panel notes the Defence's submission that the currently redacted information will significantly assist the Defence in preparation for the upcoming stages of the trial.<sup>18</sup>

13. The Panel also notes the SPO's contention that certain redactions to the First Confirmation Decision remain necessary is predicated on the same reasons considered by the Panel when issuing Decision F01808, as set out in a supplement filed by the SPO before that decision ("SPO Supplement").<sup>19</sup> These redactions refer,

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<sup>14</sup> Request, para. 7.

<sup>15</sup> Response, para. 1.

<sup>16</sup> Response, para. 1, *referring to* F01783, Specialist Prosecutor, *Prosecution Supplement to Filing F01384*, 12 September 2023, strictly confidential and *ex parte*, para. 3 (a confidential redacted version was filed on 25 September 2023, F01783/CONF/RED); Decision F01808, para. 17.

<sup>17</sup> Response, para. 1. More specifically, the Panel notes that the SPO submits that redactions to paragraphs 151, 163, 247, 251, 263, 373-374, 377, 379, 381, 390-391, and 429-430 of the First Confirmation Decision can be removed.

<sup>18</sup> Request, para. 7.

<sup>19</sup> *See above* footnote 16, *referring to* F01783, Specialist Prosecutor, *Prosecution Supplement to Filing F01384*, 12 September 2023, strictly confidential and *ex parte* (a confidential redacted version was filed on 25 September 2023, F01783/CONF/RED).

in particular, to certain electronic record numbers (“ERNs”) mentioned in footnotes within the First Confirmation Decision.<sup>20</sup>

14. Having scrutinised the redactions in the First Confirmation Decision, the Panel finds that the redactions as identified by the SPO in the Response,<sup>21</sup> as well as three additional redactions,<sup>22</sup> are no longer necessary in a confidential version of the decision at this stage of the proceedings, particularly in light of: (i) the disclosure to the Defence of the identities of relevant witnesses;<sup>23</sup> (ii) the reclassification of the SPO Pre-Trial Brief as confidential;<sup>24</sup> and (iii) the closure of the SPO’s case on 15 April 2025.<sup>25</sup>

15. However, the Panel agrees with the SPO that the remaining redactions to the First Confirmation Decision are still necessary so as not to reveal protected information. Furthermore, the Panel is of the view that, for the reasons set out in the SPO Supplement, the information contained in the remaining redactions would not, in any case, assist the Defence in preparing for the upcoming stages of the trial.<sup>26</sup> Finally, the Panel also considers that the ERNs for which redaction remains necessary are not mentioned in the recently reclassified SPO Pre-Trial Brief.

16. In light of the above and pursuant to, in particular, Articles 21(4) and 40(2) and (6)(f) of the Law as well as Rule 82(5) of the Rules, the Panel finds it appropriate to issue, at this stage, a confidential lesser redacted version of the First Confirmation Decision.

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<sup>20</sup> See SPO Supplement, para. 3.

<sup>21</sup> See *above* para. 11, footnote 17.

<sup>22</sup> See First Confirmation Decision, para. 263, footnote 868; para. 381, footnote 1563; para. 416, footnote 1792.

<sup>23</sup> See Response, para. 1.

<sup>24</sup> See *above* para. 5.

<sup>25</sup> See *above* para. 7.

<sup>26</sup> See SPO Supplement, para. 4.

17. Turning to the Second Confirmation Decision, the Panel considers that, upon close review, redactions therein are no longer necessary for the purpose of a confidential version of the decision, for the same reasons outlined above.<sup>27</sup> The Panel, therefore, pursuant to Rule 82(5), orders the reclassification of the Second Confirmation Decision, currently classified as strictly confidential and *ex parte*, and any translations thereof, as confidential.

18. The Panel will turn to public lesser redacted versions of the First Confirmation Decision and the Second Confirmation Decision in due course.

#### IV. CLASSIFICATION

19. The Panel notes that the Request and Response were filed confidentially. The Panel also notes the SPO's submission that it does not object to the reclassification of the Response as public. The Panel therefore: (i) instructs the Registry to reclassify the Response, and any translations thereof, as public; and (ii) orders the Defence to file a public redacted version of the Request, or request reclassification thereof, by **Wednesday, 18 June 2025**.

#### V. DISPOSITION

20. For the above-mentioned reasons, the Panel hereby:

- a) **GRANTS** the Request, in part;
- b) **ISSUES** a confidential lesser redacted version of the First Confirmation Decision;
- c) **INSTRUCTS** the Registry to reclassify the Second Confirmation Decision, and any translations thereof, as confidential;

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<sup>27</sup> See above para. 14.

- d) **INSTRUCTS** the Registry to reclassify the Response, and any translations thereof, as public; and
- e) **ORDERS** the Defence to file a public redacted version of the Request, or request reclassification thereof, by **Wednesday, 18 June 2025**.



Judge Charles L. Smith, III

**Presiding Judge**

Dated this Thursday, 5 June 2025

At The Hague, the Netherlands.