



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2020-06
Before: Pre-Trial Judge
Judge Nicolas Guillou
Registrar: Dr Fidelma Donlon
Filing Participant: Specialist Prosecutor
Date: 23 June 2020
Language: English
Classification: Strictly Confidential and *Ex Parte*

Urgent request for authorisation to disclose information relating to the Indictment

Specialist Prosecutor's Office

Jack Smith

1. On 24 April 2020, the Specialist Prosecutor's Office ('SPO') filed an indictment for confirmation against Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI ('Suspects') for crimes committed in Kosovo and parts of Albania from at least March 1998 through September 1999 ('Indictment').¹ The Indictment was submitted confidentially and *ex parte*,² and the SPO has requested, *inter alia*, temporary non-disclosure of the Indictment, related documents, and information to the public.³
2. The SPO has already apprised the Single Judge of efforts by the Suspects to interfere with the SPO's investigation and the proper administration of justice.⁴ The SPO has since determined that, in addition, there exist acute and immediate risks to investigations, prosecutions, and proceedings arising from an ongoing campaign by Hashim THAÇI and Kadri VESELI to obstruct and undermine the mandate of the KSC and SPO. In order to address such risks to the administration of justice, including possible interference with witnesses and victims, the SPO deems it necessary to promptly release public notice of limited information from the Indictment, identifying THAÇI and VESELI as charged suspects and broadly describing the nature of the charges against them.⁵ When disclosing this information, the SPO will specify that the

¹ Submission of Indictment for Confirmation, KSC-BC-2020-06/F00002/A01, 24 April 2020, Strictly Confidential and *Ex Parte*. See also Request to present additional supporting materials, KSC-BC-2020-06/F00006, 2 June 2020, Strictly Confidential and *Ex Parte*; Decision on Specialist Prosecutor's Request to Present Additional Supporting Material, KSC-BC-2020-06/F00007, 17 June 2020, Strictly Confidential and *Ex Parte*.

² Rule 86(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

³ Request for arrest warrants and related orders, KSC-BC-2020-06/F00005, 28 May 2020, Strictly Confidential and *Ex Parte* ('Arrest Warrant Request'). See also KSC-BC-2020-06/F00002, para.5.

⁴ See, for example, Arrest Warrant Request, KSC-BC-2020-06/F00005, paras 4-5 (describing the Suspects' ability to manipulate government bodies to evade and thwart proceedings against them and to mobilise additional support bases), 7 (describing recent efforts of the Suspects, in particular, Hashim THAÇI and Kadri VESELI, to use their positions of power and influence to actively undermine and seek to obstruct the KSC's mandate), 8-17 (describing the Suspects' demonstrable record of interfering with, or obstructing, law enforcement and evidence of attempts by the Suspects to interfere with SPO investigative activities), 18-26 (concerning the endemic climate of severe witness interference and intimidation in trials involving former KLA members).

⁵ See, similarly, Rule 88(3). See also Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'), Articles 35(2)(f), 35(2)(l).

Indictment is merely an accusation and that it is under review by the Pre-Trial Judge, who will ultimately decide whether to confirm the charges.

3. The SPO is mindful of the current stage of the proceedings and the need to respect the fundamental rights of the Suspects, victims, and witnesses. Although the disclosure of the limited information described herein is necessary for extraordinary reasons, continued non-disclosure of any and all other information in the Indictment and related documents until further order remains equally necessary, to continue to ensure the integrity of the proceedings and the protection of witnesses and victims.⁶

4. Accordingly, pursuant to Article 39(3) of the Law and Rule 82(5), the SPO urgently requests authorisation from the Pre-Trial Judge to publicly disclose the following information from the Indictment:

- a. The identities of Hashim THAÇI and Kadri VESELI as charged suspects; and
- b. The number of counts, legal characterisation and nature of the alleged crimes, approximate number of known victims, and their affiliation or ethnicity.

5. This filing is strictly confidential and *ex parte* in accordance with Rule 82(4).

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Tuesday, 23 June 2020

At The Hague, the Netherlands

⁶ See Arrest Warrant Request, KSC-BC-2020-06/F00005, para.55.