

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

**Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi**

**Before:** Pre-Trial Judge

Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Counsel for Kadri Veseli

**Date:** 3 September 2021

**Language:** English

**Classification:** Confidential

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**Veseli Defence Response to Krasniqi Defence Filing KSC-BC-2020-06/F00448  
("Request for Certification to Appeal the 8<sup>th</sup> Decision on Protective Measures")**

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**Specialist Prosecutor's Office**

Jack Smith

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Gregory Kehoe

**Counsel for Kadri Veseli**

Ben Emmerson

**Counsel for Victims**

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1. The Defence for Kadri Veseli (“Veseli Defence”) hereby responds to the *“Krasniqi Defence Request<sup>1</sup> for Certification to Appeal the ‘Eighth Decision on Specialist Prosecutor’s Request for Protective Measures’”<sup>2</sup>* (“Krasniqi Request” and “Impugned Decision”).
2. The Veseli Defence fully supports the concerns expressed by the Krasniqi Defence and contends that the oppressive protective measures regime, cumulatively instituted by the Pre-Trial Judge, has destroyed any possibility of an effective pre-trial defence investigation.
3. The Veseli Defence dissents from the observations of the Pre-Trial Judge in paragraph 65 of the Impugned Decision regarding the ability to investigate on the basis of redacted evidence minus the identities of the witnesses. The Veseli Defence affirms that the extent of redactions has frequently been so overwhelming that no salient information can be elicited permitting the conduct of any meaningful inquiries. Guided by the instructions of its own client, the Veseli Defence respectfully asserts that it, not the learned Pre-Trial Judge, is better placed to assess the grievous nature of the assault on Kadri Veseli’s fair trial rights.
4. Notwithstanding the aforementioned, the Veseli Defence refrains from joining the Krasniqi Request. The Veseli Defence is of the view that an interlocutory appeal on the discrete protective measures encompassed within the Impugned Decision would not fully exhaust its grievances with respect to the **totality** of the protective measures imposed to date.

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<sup>1</sup> KSC-BC-2020-06/F00448.

<sup>2</sup> KSC-BC-2020-06/F00438/CONF/RED.

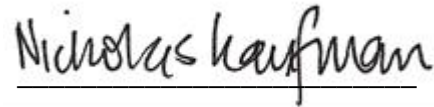
5. Accordingly, the Veseli Defence reserves its right to challenge the complete breakdown of the elements of a fair trial at a later stage and in a different format.

**Word Count: 254**



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Counsel for Kadri Veseli



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