



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:** Pre-Trial Judge  
Judge Nicolas Guillou  
**Registrar:** Dr Fidelma Donlon  
**Filing Party:** Specialist Prosecutor  
**Date:** 14 September 2022  
**Language:** English  
**Classification:** Public

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**Public Redacted Version of**

**‘Prosecution Submissions on Detention Review of Mr Thaçi’**

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## I. Introduction

1. Pursuant to Article 41 of the Law<sup>1</sup> and Rules 57 of the Rules,<sup>2</sup> the Specialist Prosecutor's Office ('SPO') responds to the Thaçi Defence Submissions on Detention Review ('Submissions').<sup>3</sup>

2. Mr Thaçi has been repeatedly found to pose a risk of flight, obstruction to the progress of proceedings at the Kosovo Specialist Chambers and/or committing further crimes against those perceived as being opposed to the KLA, including (potential) witnesses.<sup>4</sup> The requirements under Article 41(6) of the Law remain satisfied and no alternative, reasonable measures to detention exist that sufficiently mitigate the risks identified. Lastly, Thaçi's continued detention remains reasonable in light of the progress of this case towards trial, its scope and complexity, the lengthy custodial sentence in the event of a conviction, and the established risks.

## II. Procedural Background

3. The Accused went into custody on 5 November 2020 and was transferred to the seat of the Kosovo Specialist Chambers in The Hague. The Pre-Trial Judge issued orders

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<sup>1</sup> Law no.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). Unless otherwise indicated, all references to 'Article(s)' are to the Law.

<sup>2</sup> 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.

<sup>3</sup> Thaçi Defence Submissions on Fourth Detention Review, KSC-BC-2020-06/F00945, 1 September 2022. All filings are from KSC-BC-2020-06 unless otherwise noted.

<sup>4</sup> See for example Public Redacted Version of Decision on Periodic Review of Detention of Hashim Thaçi, KSC-BC-2020-06/F00818/RED, 26 May 2022 ('Fourth PTJ Detention Decision').

for his continued detention on 22 January 2021,<sup>5</sup> 23 July 2021,<sup>6</sup> 14 December 2021,<sup>7</sup> and 26 May 2022.<sup>8</sup>

4. The Appeals Panel confirmed orders for Mr Thaçi's continued detention on 30 April 2021,<sup>9</sup> 27 October 2021,<sup>10</sup> 5 April 2022,<sup>11</sup> and most recently on 22 August 2022.<sup>12</sup>

### III. Submissions

5. For purposes of a detention review under Rule 57(2), the reasons or circumstances underpinning detention must be reviewed in order to determine whether these reasons continue to exist under Article 41(6) of the Law.<sup>13</sup> That determination inevitably concerns what has changed, if anything, since the previous ruling on detention. The Pre-Trial Judge is not required to make findings on the factors already decided upon in the initial ruling on detention.<sup>14</sup> The Defence has not identified any relevant change in

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<sup>5</sup> Public Redacted Version of Decision on Hashim Thaçi's Application for Interim Release, KSC-BC-2020-06/F00177/RED, 22 January 2021.

<sup>6</sup> Public Redacted Version of Decision on Review of Detention of Hashim Thaçi, KSC-BC-2020-06/F00417/RED, 23 July 2021.

<sup>7</sup> Public Redacted Version of Decision on Review of Detention of Hashim Thaçi, KSC-BC-2020-06/F00624/RED, 14 December 2021 ('Third PTJ Detention Decision').

<sup>8</sup> Public Redacted Version of Decision on Periodic Review of Detention of Hashim Thaçi, KSC-BC-2020-06/F00818/RED, 26 May 2022.

<sup>9</sup> Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Interim Release, KSC-BC-2020-06/IA004/F00005/RED, 30 April 2021 ('First Appeals Panel Detention Decision').

<sup>10</sup> Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention, KSC-BC-2020-06/IA010/F00008/RED, 27 October 2021.

<sup>11</sup> Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention, KSC-BC-2020-06/IA017/F00011/RED, 5 April 2022 ('Third Appeals Panel Detention Decision').

<sup>12</sup> Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Periodic Review of Detention, KSC-BC-2020-06/IA022/F00005/RED, 22 August 2022 ('Fourth Appeals Panel Detention Decision').

<sup>13</sup> *Prosecutor v. Gucati and Haradinaj*, Decision on Nasim Haradinaj's Appeal on Decision Reviewing Detention, KSC-BC-2020-07/IA002/F00005, 9 February 2021, para.55; Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.28.

<sup>14</sup> *Prosecutor v. Gucati and Haradinaj*, Decision on Nasim Haradinaj's Appeal on Decision Reviewing Detention, KSC-BC-2020-07/IA002/F00005, 9 February 2021, para.55; Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.28.

circumstances since the last ruling on detention, and indeed, no such changes have occurred.

A. EXISTENCE OF A GROUNDED SUSPICION

6. The Pre-Trial Judge has determined that there is a ‘well-grounded’ suspicion that Mr Thaçi is criminally liable for the crimes contained in the confirmed indictment.<sup>15</sup> These findings were ‘made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a) of the Law’.<sup>16</sup> There has been no development capable of changing this finding or warranting its re-examination by the Pre-Trial Judge. The Article 41(6)(a) criteria are met.

B. THERE ARE ARTICULABLE GROUNDS TO BELIEVE THAT THE ARTICLE 41(6) RISKS EXIST

7. In assessing the Article 41(6)(b) criteria, the panel must consider whether there exists a *risk*, in other words whether it is *possible* – rather than inevitable - for the person to abscond, destroy, hide, change or forge evidence of a crime, obstruct the progress of criminal proceedings, or repeat the criminal offence, complete an attempted crime, or commit a crime that the person threatened to commit.<sup>17</sup>

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<sup>15</sup> Public Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, KSC-BC-2020-06/F00026/RED, 26 October 2020 (public version notified 30 November 2020), para.521(a); Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.31.

<sup>16</sup> Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.31.

<sup>17</sup> *Prosecutor v. Gucati and Haradinaj*, Decision on Hysni Gucati’s Appeal on Matters Related to Arrest and Detention, KSC-BC-2020-07/F00005, 9 December 2020, para.67. *See also* Third PTJ Detention Decision, KSC-BC-2020-06/F00624/RED, para.32.

8. The Article 41(6)(b) criteria are in the alternative. While only one of the criteria needs to be met for a person to be detained,<sup>18</sup> all three Article 41(6)(b) criteria have been found to exist with respect to Mr Thaçi.<sup>19</sup> Absent any change in circumstance since the Pre-Trial Judge's 26 May 2022 decision, Mr Thaçi continues to present the applicable risks.

9. Mr Thaçi continues to wield influence and authority that could aid him in absconding. His past and recent influential positions include being: (i) a founding member of the KLA, (ii) a member of the KLA General Staff, (iii) KLA Commander-in-Chief, (iv) Prime Minister, and (v) President of Kosovo.<sup>20</sup> Moreover, the Pre-Trial Judge has held that 'Thaçi's knowledge of the charges against him and the possibility of a serious sentence in the event of conviction increases his risk of flight.'<sup>21</sup> In addition, by receiving additional evidence during the disclosure process, 'Thaçi has gained increased insight into the evidence underpinning these very charges.'<sup>22</sup>

10. Thaçi also continues to present a risk of obstructing proceedings. As the Pre-Trial Judge has previously held, 'there is a risk that Mr Thaçi will obstruct proceedings based on, *inter alia*: (i) Mr Thaçi's attempts to undermine the SC and his offer of benefits to persons summoned by the SPO; and (ii) [REDACTED]'.<sup>23</sup> There has been no change in any of these factors and this remains the case.

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<sup>18</sup> First Appeals Panel Detention Decision, KSC-BC-2020-06/IA004/F00005/RED, para.78. Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention, KSC-BC-2020-06/IA010/F00008/RED, 27 October 2021, para.44

<sup>19</sup> Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, paras 43, 46, 51.

<sup>20</sup> Third PTJ Detention Decision, KSC-BC-2020-06/F00624/RED, para.36.

<sup>21</sup> Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.38.

<sup>22</sup> Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.38.

<sup>23</sup> Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.45.

11. The factors assessed as to whether there is a risk of obstructing proceedings under Article 41(6)(b)(ii) are also relevant when considering whether there is a risk of further crimes were Thaçi to be released.<sup>24</sup> These factors must also be considered in the persisting climate of intimidation of witnesses and interference in criminal proceedings involving KLA members.

12. Therefore, each of these articulable grounds continue to necessitate Mr Thaçi's detention.

### C. NO CONDITIONS SUFFICIENTLY MITIGATE THE ESTABLISHED RISKS

13. No alternative measures sufficiently mitigate the Article 41(6)(b) risks posed by Mr Thaçi. Past proposals for conditional release, such as house detention, pre-approved visits to the home, monitored and recorded visits, have been found to not sufficiently mitigate the risks of obstructing the progress of proceedings at the Specialist Chambers and committing further crimes.<sup>25</sup>

14. The Thaçi Defence has not proposed any conditions as part of the current round of detention review. Although the Pre-Trial Judge must *proprio motu* consider all reasonable mitigation measures beyond those raised by the Defence, the list of reasonable measures is not unlimited<sup>26</sup> and measures need to be realistic.<sup>27</sup> All reasonable, realistic alternatives to detention in the controlled environment of the Detention Facilities in The Hague have been duly considered and rightfully rejected.

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<sup>24</sup> Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, paras 48-49.

<sup>25</sup> Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, paras 60-73; Fourth Appeals Panel Detention Decision, KSC-BC-2020-06/IA022/F00005/RED, paras 22-33, 37-39.

<sup>26</sup> Third Appeals Panel Detention Decision, KSC-BC-2020-06/IA017/F00011/RED, para.55.

<sup>27</sup> Third Appeal Decision, para. 55; Fourth Appeals Panel Detention Decision, KSC-BC-2020-06/IA022/F00005/RED, para.27.

#### D. MR THAÇI'S CONTINUED DETENTION IS REASONABLE

15. The Defence offers no authority in support of its submission that – at 21 months – Mr Thaçi's pre-trial detention stops being reasonable.<sup>28</sup> Instead, the Defence only advances unsubstantiated claims that accused in comparable international criminal cases have been granted provisional release,<sup>29</sup> and generally refers to the right to liberty under Article 5 of the ECHR, without citing a single supporting authority.<sup>30</sup>

16. This is not altogether surprising because the Defence's submissions find no support in the applicable human rights law jurisprudence. The ECtHR has made it clear that the reasonableness of the length of detention depends on the circumstances of each case.<sup>31</sup> The court reviewing detention must balance the respect for individual liberty with the public interest in guarding against any of the risks associated with the applicant's release.<sup>32</sup> Chambers at the ICC – which has a similar statutory framework for pre-trial detention as that applicable at the KSC – have consistently emphasised that the period of pre-trial detention must not be assessed on its own, but alongside the risks associated with the accused's provisional release.<sup>33</sup>

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<sup>28</sup> Submissions, KSC-BC-2020-06/F00945, para.12.

<sup>29</sup> Submissions, KSC-BC-2020-06/F00945, para.11.

<sup>30</sup> Submissions, KSC-BC-2020-06/F00945, para.13.

<sup>31</sup> ECtHR, *Wemhoff v Germany*, 2122/64, Judgment, Court, 27 June 1968 ('*Wemhoff v Germany*'), page 20, para.10; ECtHR, *McKay v. the United Kingdom*, 543/03, Judgment, Grand Chamber, 3 October 2006, para.45.

<sup>32</sup> ECtHR, *McKay v. the United Kingdom*, 543/03, Judgment, Grand Chamber, 3 October 2006, paras 42-43; ECtHR, *Celejewski v. Poland*, 17584/04, Judgment, Court (Fourth Section), 4 May 2006 ('*Celejewski v. Poland*'), paras 30-37; ECtHR, *Staykov v. Bulgaria*, 16282/20, Court (Fourth Section), 8 June 2021, para.84.

<sup>33</sup> ICC, Trial Chamber V, *Prosecutor v. Yekatom and Ngaïssona*, ICC-01/14-01/18-495-Red3, 'Public redacted version of Decision on the Yekatom Defence Application for Interim Release', 24 July 2020 (original version dated 28 April 2020), para.40; ICC, Trial Chamber V, *Prosecutor v. Yekatom and Ngaïssona*, ICC-01/14-01/18-800-Red, 'Third Decision on Mr Yekatom's Detention', 5 January 2021, paras 12, 22; ICC, Trial Chamber II, *Prosecutor v. Katanga and Ngudjolo*, ICC-01/04-01/07-1288-tENG, 'Public Redacted Version Fourth Review of the Decision on the Application for Interim Release of Mathieu Ngudjolo (rule 118(2) of the Rules of Procedure and Evidence)', 10 July 2009, paras 13-14; ICC, Appeals Chamber, *Prosecutor v. Gbagbo and Blé Goudé*, ICC-02/11-01/15-992-Red, 'Judgment on the appeal of Mr Laurent Gbagbo against the decision of



17. The risk that the accused may pressure witnesses or otherwise obstruct the proceedings is often particularly high in cases involving organised criminal activity, which may justify a longer period of detention on remand than in ordinary criminal cases.<sup>34</sup> Furthermore, in such cases, involving numerous accused, ‘the process of gathering and hearing evidence is often a difficult task’, which has been held to constitute ‘relevant and sufficient grounds for [an] applicant’s detention’.<sup>35</sup> Finally, the applicant’s alleged involvement in the charged crimes during the indictment period may inform the court as to the nature of the conduct they may engage in if released.<sup>36</sup>

18. Thus, the ECtHR has found that in certain cases periods of detention of multiple years were not disproportionate.<sup>37</sup> The Kosovo Constitutional Court has upheld similar periods of detention as compliant with Article 5 ECHR.<sup>38</sup> Likewise, periods of pre-trial detention significantly longer than the 21 months in the current case have been held proportionate in the circumstances of particular cases at the ICC, especially where there was a risk of witness interference and intimidation.<sup>39</sup>

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Trial Chamber I of 10 March 2017 entitled “Decision on Mr Gbagbo’s Detention”, 19 July 2017, paras 75-78; ICC, Trial Chamber I, *Prosecutor v. Gbagbo and Blé Goudé*, ICC-02/11-01/15-1038-Red, 25 September 2017, para. 56.

<sup>34</sup> ECtHR, *Podeschi v. San Marino*, 66357/14, Judgment, Court (First Section), 13 April 2017, para.149; ECtHR, *Štvrtecký v. Slovakia*, 55844/12, Judgment, Court (Third Section, 5 June 2018 (*‘Štvrtecký v. Slovakia’*)), paras 57, 63; *Celejewski v. Poland*, paras 37-38.

<sup>35</sup> *Celejewski v. Poland*, para.38; *Wemhoff v Germany*, page 23, para.17.

<sup>36</sup> *Štvrtecký v. Slovakia*, para.63.

<sup>37</sup> For example, *Štvrtecký v. Slovakia*, paras 57, 63; ECtHR, *W v Switzerland*, 14379/88, Judgment, Court, 26 January 1993; ECtHR, *Chraidi v Germany*, 65655/01, Judgment, Court (Fifth Section), 26 October 2006; *Wemhoff v Germany*.

<sup>38</sup> KCC, Case No. KI 20/13, Resolution on Inadmissibility, 12 March 2013; KCC, Case No. KI 73/20, Constitutional review of Judgment Pml. No. 117/2020 of the Supreme Court of Kosovo of 24 April 2020, 27 November 2020. Compare: KCC, Case No. KI 10/18, Constitutional review of Judgment Pml. No. 357/2017 of the Supreme Court of Kosovo of 22 December 2017, 21 October 2019.

<sup>39</sup> See e.g. ICC, Trial Chamber I, *Prosecutor v. Gbagbo and Blé Goudé*, ICC-02/11-01/15-1038-Red, ‘Public redacted version of the Decision on Mr Gbagbo’s Detention 25 September 2017’, paras 48-60; ICC, Trial Chamber II, *Prosecutor v. Katanga and Ngudjolo*, ICC-01/04-01/07-1288-tENG, ‘Fourth review of the Pre-Trial Chamber’s Decision Concerning the Pre-Trial Detention of Germain Katanga pursuant to rule 118 (2) of the



19. Consistent with this jurisprudence, less than one month ago, a Panel of the Supreme Court Chamber upheld the Pre-Trial Judge's and Appeals Panel's findings that the period of detention of Kadri Veseli – who was arrested on the same day as Mr Thaçi – remained proportionate.<sup>40</sup>

20. Moreover, the Defence's remaining submissions, which centre around a list of outstanding procedural steps prior to trial,<sup>41</sup> distort the legal test for proportionality of detention by focusing on future events. Since the Accused's detention is reviewed on a regular basis, the reasonableness of detention is assessed against the length of pre-trial detention at the time of each review rather than any expected total length of detention.<sup>42</sup> Therefore, the focus of the Pre-Trial Judge's enquiry is whether, at the time of review, the Accused's detention remains reasonable.

21. A focus on the present status of the case reveals that – contrary to the Defence's submissions – key milestones in the pre-trial stage either have already been met or will be met imminently. Importantly, the SPO has submitted its pre-trial brief and (updated) witness list to the Accused, and is also on track to supplement its Rule 102(3) notice,

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Rules of Procedure and Evidence', 21 July 2009, para.16; ICC, Trial Chamber II, *Prosecutor v. Katanga and Ngudjolo*, ICC-01/04-01/07-3484-tENG-Corr, 'Decision on Sentence pursuant to article 76 of the Statute', 23 May 2014, para.155; ICC, Trial Chamber II, *Prosecutor v. Katanga and Ngudjolo*, ICC-01/04-01/07-1288-tENG, 'Public Redacted Version Fourth Review of the Decision on the Application for Interim Release of Mathieu Ngudjolo (rule 118(2) of the Rules of Procedure and Evidence)', 10 July 2009, paras 2, 11; ICC, Trial Chamber V, *Prosecutor v. Yekatom and Ngaïssona*, ICC-01/14-01/18-495-Red3, 'Public redacted version of Decision on the Yekatom Defence Application for Interim Release', 24 July 2020 (original version dated 28 April 2020), paras 37-47; ICC, Trial Chamber V, *Prosecutor v. Yekatom and Ngaïssona*, ICC-01/14-01/18-800-Red, 'Third Decision on Mr Yekatom's Detention', 5 January 2021, paras 12, 22.

<sup>40</sup> Decision on Kadri Veseli's Request for Protection of Legality, KSC-BC-2020-06/PL001/F00008, 15 August 2022, public, paras 67-69.

<sup>41</sup> Submissions, KSC-BC-2020-06/F00945, paras 7-10.

<sup>42</sup> Third Appeals Panel Detention Decision, KSC-BC-2020-06/IA017/F00011/RED, para.67

complete the disclosure of items requested from the original Rule 102(3) notice, and supplement its Rule 109(c) chart in accordance with ordered deadlines.

22. The Defence also disingenuously claims that disclosure deadlines have been abandoned,<sup>43</sup> when in reality the Pre-Trial Judge has extended relevant deadlines for good cause.<sup>44</sup> Similarly, the Defence fails to explain or substantiate how earlier disclosure of Rule 103 material could have impacted the reasonableness of detention at the time of review.<sup>45</sup>

23. Furthermore, the Defence mischaracterises the Pre-Trial Judge's past findings by arguing that 'the proportionality of detention must take into account more than the characteristics of international criminal trials'.<sup>46</sup> While the Defence correctly identifies considerations which the Pre-Trial Judge has previously relied upon,<sup>47</sup> conspicuously absent from this list of factors is the risk that 'Mr Thaçi, if released, will obstruct the progress of SC proceedings or commit further crimes, [which] cannot be sufficiently mitigated by means of less restrictive measures'.<sup>48</sup>

24. Indeed, this factor alone distinguishes the current case from certain 'other international criminal cases [...] in which pre-trial provisional release has been granted'.<sup>49</sup> In particular, as mentioned above, the Pre-Trial Judge has previously found that Mr

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<sup>43</sup> Submissions, KSC-BC-2020-06/F00945, para.8.

<sup>44</sup> Third PTJ Detention Decision, KSC-BC-2020-06/F00624/RED, para.99.

<sup>45</sup> See Submissions, KSC-BC-2020-06/F00945, para.7.

<sup>46</sup> Submissions, KSC-BC-2020-06/F00945, para.11.

<sup>47</sup> The Defence refers to: '(i) the gravity of the charges; (ii) the length of the potential sentence; (iii) the purported lengthy period and significant geographic scale of the alleged crimes; (iv) the significant number of SPO witnesses and (v) the extensive protective measures that have been granted to them'. Submissions, KSC-BC-2020-06/F00945, para.11; see Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.79.

<sup>48</sup> Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.79.

<sup>49</sup> *Contra* Submissions, KSC-BC-2020-06/F00945, para.11. As mentioned above, the Defence does not cite any specific cases.

Thaçi: (i) offered benefits to persons summoned by the SPO in an attempt to undermine the KSC; (ii) [REDACTED]; and (iii) continues to have authority and influence in Kosovo.<sup>50</sup>

25. Moreover, the particular risk posed by Mr Thaçi must be placed in the context of the persisting climate of intimidation of witnesses and interference with criminal proceedings against former KLA members in Kosovo. As the Trial Panel in *Gucati and Haradinaj* confirmed, the serious threat of witness intimidation and interference in Kosovo remains current.<sup>51</sup> In that case, the Accused publicly disseminated confidential documents that related to the investigation against Mr Thaçi and other suspects, who have been now been charged in these proceedings.<sup>52</sup> In doing so, they ‘contributed to and amplified the serious fears and concerns of many of those who gave evidence to the SC/SPO or who were likely to do so’.<sup>53</sup> The fate of witnesses in former KLA trials further demonstrates the risks posed by Mr Thaçi’s easily mobilised supporters and sympathisers.<sup>54</sup>

26. Therefore, considering the progress of this case towards trial, its scope and complexity, the lengthy custodial sentence in the event of a conviction, and the risks posed, the continued detention of Mr Thaçi remains reasonable.

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<sup>50</sup> Fourth PTJ Detention Decision, KSC-BC-2020-06/F00818/RED, para.45.

<sup>51</sup> *Prosecutor v. Guçati and Haradinaj*, Public Redacted Version of the Trial Judgment, KSC-BC-2020-07/F00611/RED, 18 May 2022, paras 577-579 (‘Gucati and Haradinaj Trial Judgment’), paras 579-585.

<sup>52</sup> *Gucati and Haradinaj Trial Judgment*, KSC-BC-2020-07/F00611/RED, paras 353, 380, 458.

<sup>53</sup> *Gucati and Haradinaj Trial Judgment*, KSC-BC-2020-07/F00611/RED, para.581, 585.

<sup>54</sup> Arrest Warrant Application, KSC-BC-2020-06/F00005, paras 19-20, 24; ICTY, *Prosecutor v Haradinaj et al.*, IT-04-84-T, Judgment, 2 April 2006, para.6; *Prosecutor v. Guçati and Haradinaj*, Public Redacted Version of the Trial Judgment, KSC-BC-2020-07/F00611/RED, 18 May 2022, paras 577-578.

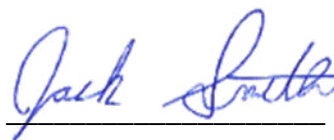
#### IV. Classification

27. This filing is submitted confidentially pursuant to Rule 82(4). A public redacted version will be filed.

#### V. Conclusion

28. For the foregoing reasons, the SPO respectfully submits that the relief Thaçi requests should be denied.

**Word count: 3142**



**Jack Smith**

**Specialist Prosecutor**

Wednesday, 14 September 2022

At The Hague, the Netherlands.