



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 Participant:** Specialist Prosecutor

**Date:** 3 November 2022

**Language:** English

**Classification:** Public

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**Request for reclassification of material pursuant to F00934  
with confidential Annex 1**

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**Specialist Prosecutor's Office**

Jack Smith

**Counsel for Victims**

Simon Laws

**Counsel for Hashim Thaçi**

Gregory Kehoe

**Counsel for Kadri Veseli**

Ben Emmerson

**Counsel for Rexhep Selimi**

David Young

**Counsel for Jakup Krasniqi**

Venkateswari Alagendra

1. Pursuant to the Decision,<sup>1</sup> and Rules 83(1) and 84 of the Rules,<sup>2</sup> the Specialist Prosecutor's Office ('SPO') has reviewed its evidentiary material<sup>3</sup> and attaches a list of materials which it requests to be reclassified as public.<sup>4</sup>
2. As highlighted by the Pre-Trial Judge, there are complex considerations which must be accounted for, even in cases where materials may be public.<sup>5</sup> Further, given the 'general climate of witness interference and intimidation prevailing in Kosovo' as well as the current pre-trial stage of proceedings where evidence is not discussed,<sup>6</sup> preserving the confidentiality of many items is currently necessary.
3. After its review of disclosed evidentiary materials, the SPO has identified more than 8,000 items which can be classified as public.<sup>7</sup> The remainder of disclosed materials must remain confidential,<sup>8</sup> *inter alia*, (i) due to the presence of protected internal work product<sup>9</sup> and provider restrictions;<sup>10</sup> (ii) to avoid prejudice to ongoing or future investigations;<sup>11</sup> (iii) to protect victims and witnesses, including their safety, physical and psychological well-being, dignity, and privacy;<sup>12</sup> and (iv) to safeguard the public interest or the rights of third parties.<sup>13</sup>

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<sup>1</sup> Decision on Veseli Defence Request for Reclassification of Evidentiary Material, KSC-BC-2020-06/F00934, 23 August 2022 ('Decision').

<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> Consistent with the Decision, this review did not generally include witness-related material or material received under conditions from third-party organisation or states. *See* Decision, KSC-BC-2020-06/F00934, para.14.

<sup>4</sup> Annex 1.

<sup>5</sup> Decision, KSC-BC-2020-06/F00934, para.15.

<sup>6</sup> Decision, KSC-BC-2020-06/F00934, paras 15-16, 18.

<sup>7</sup> *See* Annex 1.

<sup>8</sup> *See also* Framework Decision on Disclosure of Evidence and Related Matters, KSC-BC-2020-06/F00099, 23 November 2020, paras 48, 94-95.

<sup>9</sup> *See* Rule 106.

<sup>10</sup> *See* Article 58 of Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'); Rules 107, 111. All references to 'Article' are to the Law, unless otherwise indicated.

<sup>11</sup> *See* Rule 108(1)(a).

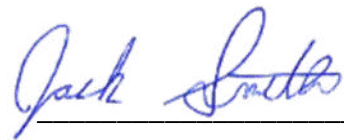
<sup>12</sup> *See* Article 23; Rules, 80, 108(1)(b).

<sup>13</sup> *See* Rule 108(1)(c).

4. The classification level of items will be reassessed throughout the trial, in particular, at the point of tendering items for admission into evidence. Since 24 October 2022, all non-public disclosure packages are now accompanied with reasons for such classification in Legal Workflow.

5. The annex to this request is filed confidentially because the materials identified are still confidential as of filing. Should the request be granted in full, the SPO has no objection to the annex being reclassified as public.

**Word count: 408**



**Jack Smith**

**Specialist Prosecutor**

Thursday, 3 November 2022

At The Hague, the Netherlands.