

In: KSC-BC-2018-01
The Prosecutor v. Driton LAJÇI

Before: **Single Judge**
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Driton Lajçi

Date: 4 November 2022

Language: English

Classification: **Public**

Application to Reclassify Filings KSC-BC-2018-01/F00261 and KSC-BC-2018-01/F00265

Specialist Prosecutor

Jack Smith

Counsel for Driton Lajçi

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I. INTRODUCTION

1. On 15 June 2021, Mr. Driton Lajçi (“Applicant”) applied for an order directing the Specialist Prosecutor’s Office (“SPO”) to terminate the investigation.¹
2. On 23 July 2021, the Single Judge rejected that Application.²
3. On 29 July 2021, the Applicant applied for certification to appeal the Single Judge’s decision.³
4. On 24 August 2021, the Single Judge certified the application for leave to appeal.⁴
5. On 1 October 2021, the Panel of the Court of Appeals Chamber (“Court of Appeals Panel”) dismissed the appeal.⁵
6. On 4 July 2022, the Applicant filed a second application for the termination of the investigation (“Second Application”).⁶
7. On 15 July 2022, the SPO filed its response (“Response”).⁷

¹ KSC-BC-2018-01/F00172, *Application for an Order Directing the Specialist Prosecutor to Terminate the Investigation against Mr. Driton Lajçi*, 15 June 2021, Confidential. A public redacted version F00172/RED.

² KSC-BC-2018-01/F00180, *Decision on Application for an Order Directing the Specialist Prosecutor to Terminate the Investigation against Driton Lajçi*, 23 July 2021, Confidential.

³ KSC-BC-2018-01/F00181, *Application for Certification on Leave to Appeal the Decision for an Order Directing the Specialist Prosecutor to Terminate the Investigation against Driton Lajçi*, 29 July 2021, Confidential.

⁴ KSC-BC-2018-01/F00184, *Decision on Application for Leave to Appeal the Decision F00180*, 24 August 2021, public.

⁵ KSC-BC-2018-01/IA001/F00005, *Decision on Appeal Against “Decision on Application for an Order Directing the Specialist Prosecutor to Terminate the Investigation against Driton Lajçi”*, 1 October 2021, public.

⁶ KSC-BC-2018-01/F00238, *Second Application for an Order Directing the Specialist Prosecutor to Terminate the Investigation against Driton Lajçi*, 4 July 2022, public. A corrected version with confidential Annexes A and B F00238/COR.

⁷ KSC-BC-2018-01/F00240, *Prosecution Response to the Second Application to Terminate the Investigation against Driton Lajçi*, 15 July 2022, confidential with strictly confidential and *ex parte* Annex 1.

8. On 10 August 2022, the Single Judge requested further submissions from the SPO (“August Order”).⁸
9. On 24 August 2022, the SPO filed a report, confidential and *ex parte*, containing, *inter alia*, further information on the progress made regarding certain aspects of the investigation.⁹
10. On 26 August 2022, the SPO filed further submissions pursuant to the Single Judge’s August Order.¹⁰
11. On 3 October 2022, the Applicant filed a request seeking an order from the Single Judge.¹¹
12. On 3 October 2022, the Single Judge rejected the Second Application (“Impugned Decision”).¹²
13. On 10 October 2022, the Applicant requested leave to appeal the Impugned Decision.¹³

⁸ KSC-BC-2018-01/F00249, *Order to the Specialist Prosecutor for Further Submissions*, 10 August 2022, strictly confidential and *ex parte*. A confidential redacted version F00249/CONF/RED.

⁹ KSC-BC-2018-01/F00252, *Prosecution Report and Request for Court Orders*, 24 August 2022, with Annexes 1-10, strictly confidential and *ex parte*.

¹⁰ KSC-BC-2018-01/F00253, *Prosecution Response to “Order to the Specialist Prosecutor for Further Submissions” F00249*, 26 August 2022, strictly confidential and *ex parte* with Annex 1.

¹¹ KSC-BC-2018-01/F00259, *Application to the Single Judge for Further Order following the Order to the Specialist Prosecutor for Further Submissions*, 3 October 2022, Public.

¹² KSC-BC-2018-01/F00258, *Decision on Second Application for an Order Directing the Specialist Prosecutor to Terminate the Investigation against Driton Lajçi*, 3 October 2022, Confidential.

¹³ KSC-BC-2018-01, F00261, *Application for Certification for Leave to Appeal the Decision on Second Application for an Order Directing the Specialist Prosecutor to Terminate the Investigation against Driton Lajçi*, 10 October 2022, Confidential.

14. On 21 October 2022, the SPO filed its response.¹⁴
15. On 24 October 2022, the Applicant filed his reply.¹⁵
16. On 31 October 2022, issued the Decision on the Defence Application for Leave to Appeal Decision F000258.¹⁶ At paragraph 33(c) of the Decision, the Single Judge orders the Applicant to file publicly redacted versions of its Request (F00261) and its Reply (F00265).
17. In an abundance of caution, noting the need to maintain confidentiality in proceedings of this nature, the Request and the Reply filings were classified as confidential, pending a careful review of the matters in contention, the submissions contained therein and the classification of the Impugned Decision subject to the Request.
18. Having due regard to the need for proceedings to be public in nature, any confidential filings being properly justified, and any redactions made strictly necessary, the Applicant, having reviewed the filings, would respectfully request that Request (F00261) and its Reply (F00265) be re-classified as public without any need for redactions as it contains no matters of a confidential nature.

¹⁴ KSC-BC-2018-01, F00264, *Prosecution Response to Driton Lajçi's Request for Leave to Appeal Decision on Second Application to Terminate Investigation* (KSC-BC-2018-01/F00258), 21 October 2022, Confidential.

¹⁵ KSC-BC-2018-01, F00265, *Reply to Prosecution Response to Defence Application for Certification for Leave to Appeal the Decision on Second Application for an Order Directing the Specialist Prosecutor to Terminate the Investigation against Driton Lajçi* (KSC-BC-2018-01/F00258), 24 October 2022, Confidential.

¹⁶ KSC-BC-2018-01, F00267, *Decision on the Defence Application for Leave to Appeal Decision F00258*, 31 October 2022, Confidential.

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