

**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:** 23 December 2022

**Language:** English

**Classification:** Public

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**Public Redacted Version of  
Veseli Defence Response to the Prosecution Request for  
Reclassification of Filings F01100-RED and F01101-RED  
(F01139, dated 2 December 2022)**

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**Specialist Prosecutor's Office**

Alex Whiting

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Gregory Kehoe

**Counsel for Kadri Veseli**

Ben Emmerson

**Counsel for Victims**

Simon Laws

**Counsel for Rexhep Selimi**

David Young

**Counsel for Jakup Krasniqi**

Venkateswari Alagenda

1. The Defence for Mr Kadri Veseli (“Defence”) hereby respond to the Prosecution request for reclassification of filings F01100/RED.<sup>1</sup> The Defence opposes further redactions of its filings F01100/RED.
2. The Defence notes that the principle of publicity in a criminal trial is “one of the most indispensable” safeguards to justice that there is.<sup>2</sup>
3. Notwithstanding the principle of publicity, in preparing the public redacted version of F01100, the Defence took great care to ensure that no information remaining would allow for the identification of individuals who the SPO maintains could be at risk as a consequence of their involvement in these proceedings, [REDACTED]. In so doing, the Defence took great care to ensure that its redactions respected the redaction order from the 15th Status conference<sup>3</sup> and the public version of the transcript.<sup>4</sup> Dates, information pertaining to contacts with the SPO (such as [REDACTED]), ERNs and even pseudonyms are redacted. The Defence accordingly sought to achieve an appropriate balance between the rights of third parties, and the fundamentally important principle of publicity.
4. The Defence observes that the SPO has provided no explanation for its claim that Defence redactions are inadequate, and it cannot itself discern the SPO’s rationale. At the very least, the SPO should identify the further redactions they believed are necessary. Should they fail to do so, the Defence requests the Pre-Trial Judge to order the SPO to particularise its application. Moreover, the

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<sup>1</sup> F01121, Prosecution consolidated response to F01100 and F01101 with strictly confidential and *ex parte* Annex 1, 24 November 2022.

<sup>2</sup> <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58765%22%7D>, para. 92; <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57585%22%7D>, para. 27; <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57585%22%7D>, para. 26; <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-101314%22%7D>, para. 29. See also <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-212674%22%7D>, paras 60 et seq.

<sup>3</sup> F01087, In-court Redaction Orders, hearing on 4 November 2022, 4 November 2022.

<sup>4</sup> [Public Transcript](#), 4 November 2022.

Defence observes that while its public redacted version was filed on 14 November, the SPO waited until 29 November 2022 to challenge those redactions.<sup>5</sup>

5. The Defence is highly cognisant of the rights of third parties who may be at risk on account of their involvement with these proceedings, but it does not agree that further redaction to F001100/RED is necessary. Should the Pre-Trial Judge believe that further redaction is necessary, it respectfully requests clear guidance as to information that may and may not remain in the public domain, so that it is in a position to prepare a revised public redacted version.

**Word Count: 394**



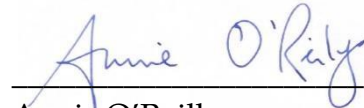
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<sup>5</sup> [REDACTED].