



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

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

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

**Before:** Trial Panel II

Judge Charles L. Smith III

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

**Registrar:** Fidelma Donlon

**Date:** 1 March 2023

**Language:** English

**Classification:** Public

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**Order for Submissions on Reclassification of Selected Filings**

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**Counsel for Jakup Krasniqi**  
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**TRIAL PANEL II** ("Panel"), pursuant to Articles 21(2), 40(2) and (4) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 82(5), 84(1) and 116(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby issues the following order.

## I. APPLICABLE LAW

1. Pursuant to Articles 21(2) and 40(4) of the Law, hearings shall be public, unless the Panel decides otherwise in accordance with the Rules.
2. Pursuant to Rule 82(5) of the Rules, where the basis for reclassification no longer exists, whoever submitted the original filing shall apply to the Panel for reclassification. A Panel may also reclassify a filing upon request by any other participant or *proprio motu*.
3. Pursuant to Rule 84(1), on an ongoing basis and before rendering its Judgment, the Panel shall review the classification of records of proceedings and evidence and, where applicable, order their reclassification.

## II. DISCUSSION

4. In accordance with Rule 84(1), the Panel considers it necessary to review the classification of certain filings in the case file, in order to adhere to the principle of publicity of proceedings, which extends beyond hearings in the courtroom to cover filings and any other submissions in the case file.<sup>1</sup>
5. In doing so, regard must be paid, on the one hand, to the principle of publicity, as enshrined under Articles 21(2) and 40(4), and the duty of the Panel to provide for the protection of witnesses and confidential information.<sup>2</sup> The Panel accordingly has the

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<sup>1</sup> F01283, Trial Panel II, *Order for Submissions on the Reclassification of Selected Filings* ("Trial Panel Order"), 13 February 2023, para. 4. See also KSC-BC-2020-07, F00501, Trial Panel II, *Order on Reclassifications and Public Redacted Versions* ("Gucati and Haradinaj Order"), 16 December 2021, para. 4.

<sup>2</sup> Trial Panel Order, para. 5. See also *Gucati and Haradinaj Order*, para. 5

responsibility to ensure that filings in this case bear the appropriate classification and may, accordingly, reclassify any filing *proprio motu* or upon request, should the basis for the current classification no longer exist.<sup>3</sup>

6. In accordance with Article 23, Rule 80 and Article 33 of the Practice Direction on Files and Filings, public redacted versions of filings should remove any information revealing: (i) the name, identity or other personal details of SPO staff members (who are not witnesses in this case); (ii) organisations or entities cooperating with the SPO on a confidential basis; (iii) documents or excerpts thereof disclosed to the Parties and Participants on a confidential basis; and (iv) the content of any other documents subject to confidentiality pursuant to Specialist Chambers orders.<sup>4</sup>

7. In light of the above, the Panel requests that the SPO file public redacted versions of the following filings in KSC-BC-2020-06 (excluding their annexes), currently classified as strictly confidential and *ex parte*. If the SPO deems a filing can be reclassified as public without further redactions in a manner consistent with Rule 82(5), the SPO may so indicate:

- F00890, 20/07/2022; and
- F00947, 02/09/2022.

8. Should the SPO wish to retain the current classification of some or all of the filings mentioned in paragraphs 7, it shall specify the reasons for maintaining the current classification, in accordance with Rule 82(3), and indicate whether and when such classification may be changed.

9. The Panel also requests that the Thaçi Defence file public redacted versions of the following filings in KSC-BC-2020-06, currently classified as confidential. If the Thaçi

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<sup>3</sup> Trial Panel Order, para. 5. *See also* Gucati and Haradinaj Order, para. 6.

<sup>4</sup> Trial Panel Order, para. 6. *See also* KSC-BC-2020-07, F00328, Trial Panel II, *Order on Rule 117 Defence Motions*, 27 September 2021, para. 16.

Defence deems a filing can be reclassified as public without further redactions in a manner consistent with Rule 82(5), the Thaçi Defence may so indicate:

- F00909, 03/08/2022; and
- F00974, 15/09/2022.

10. Should the Thaçi Defence wish to retain the current classification of some or all of the filings mentioned in paragraph 9, it shall specify the reasons for maintaining the current classification, in accordance with Rule 82(3), and indicate whether and when such classification may be changed.

11. The Panel requests that the Veseli Defence file public redacted versions of the following filings in KSC-BC-2020-06, currently classified as confidential. If the Veseli Defence deems a filing can be reclassified as public without further redactions in a manner consistent with Rule 82(5), the Veseli Defence may so indicate:

- F00912, 03/08/2022; and
- F00976, 15/09/2022.

12. Should the Veseli Defence wish to retain the current classification of some or all of the filings mentioned in paragraph 11, it shall specify the reasons for maintaining the current classification, in accordance with Rule 82(3), and indicate whether and when such classification may be changed.

13. The Panel requests that the Selimi Defence file public redacted versions of the following filings in KSC-BC-2020-06, currently classified as confidential. If the Selimi Defence deems a filing can be reclassified as public without further redactions in a manner consistent with Rule 82(5), the Selimi Defence may so indicate:

- F00975, 15/09/2022.

14. Should the Selimi Defence wish to retain the current classification of the filing mentioned in paragraph 13, it shall specify the reasons for maintaining the current classification, in accordance with Rule 82(3), and indicate whether and when such classification may be changed.

15. The Panel requests that the Krasniqi Defence file a public redacted version of the following filing in KSC-BC-2020-06, currently classified as confidential. If the Krasniqi Defence deems a filing can be reclassified as public without further redactions in a manner consistent with Rule 82(5), the Krasniqi Defence may so indicate:

- F00973, 15/09/2022.

16. Should the Krasniqi Defence wish to retain the current classification of the filing mentioned in paragraph 15, it shall specify the reasons for maintaining the current classification, in accordance with Rule 82(3), and indicate whether and when such classification may be changed.

17. The Panel requests that Registry file a public redacted version of the following filing in KSC-BC-2020-06 (excluding its annex), currently classified as strictly confidential and *ex parte*. If the Registry deems a filing can be reclassified as public without further redactions in a manner consistent with Rule 82(5), the Registry may so indicate:

- F00907, 01/08/2022.

18. Should the Registry wish to retain the current classification of the filing mentioned in paragraph 17, it shall specify the reasons for maintaining the current classification, in accordance with Rule 82(3), and indicate whether and when such classification may be changed.

## III. DISPOSITION

19. For the above-mentioned reasons, the Panel hereby:

- a. **REQUESTS** that for each filing specified in paragraphs 7, the SPO submits:  
(a) its reasons for maintaining the current classification of the filing; (b) a public redacted version thereof; or (c) an affirmation that the filing can be reclassified as public in its current state, by **Friday, 10 March 2023**;
- b. **REQUESTS** that for each filing specified in paragraph 9, the Thaçi Defence submits: (a) its reasons for maintaining the current classification of the filing; (b) a public redacted version thereof; or (c) an affirmation that the filing can be reclassified as public in its current state, by **Friday, 17 March 2023**;
- c. **REQUESTS** that for each filing specified in paragraph 11, the Veseli Defence submits: (a) its reasons for maintaining the current classification of the filing; (b) a public redacted version thereof; or (c) an affirmation that the filing can be reclassified as public in its current state, by **Friday, 17 March 2023**;
- d. **REQUESTS** that for the filing specified in paragraph 13, the Selimi Defence submits: (a) its reasons for maintaining the current classification of the filing; (b) a public redacted version thereof; or (c) an affirmation that the filing can be reclassified as public in its current state, by **Friday, 17 March 2023**;
- e. **REQUESTS** that for the filing specified in paragraph 15, the Krasniqi Defence submits: (a) its reasons for maintaining the current classification of the filing; (b) a public redacted version thereof; or (c) an affirmation that the filing can be reclassified as public in its current state, by **Friday, 17 March 2023**; and
- f. **REQUESTS** that for the filing specified in paragraph 17, the Registry submits:  
(a) its reasons for maintaining the current classification of the filing; (b) a public

redacted version thereof; or (c) an affirmation that the filing can be reclassified as public in its current state, by **Friday, 17 March 2023**.

A handwritten signature in black ink, reading "Charles L. Smith III". The signature is written in a cursive style with a horizontal line underneath it.

**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Wednesday, 1 March 2023

At The Hague, the Netherlands.