



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:** Trial Panel II  
Judge Charles L. Smith, III, Presiding Judge  
Judge Christoph Barthe  
Judge Guénaël Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Acting Specialist Prosecutor

**Date:** 17 March 2023

**Language:** English

**Classification:** Public

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**Prosecution response to SELIMI Defence request for lesser redacted Confirmation  
Decision**

**with strictly confidential and *ex parte* Annex 1**

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**Specialist Prosecutor's Office**

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**Counsel for Kadri Veseli**

Ben Emmerson

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David Young

**Counsel for Jakup Krasniqi**

Venkateswari Alagenda

1. In principle, the Specialist Prosecutor's Office ('SPO') does not object to the Request<sup>1</sup> for a lesser redacted version of the CRV Confirmation Decision.<sup>2</sup> However, certain redactions applied to the CRV Confirmation Decision remain necessary to give effect to protective measures, including anonymity and delayed disclosure.<sup>3</sup>
2. The SPO is conducting an ongoing review of the necessity of protective measures.<sup>4</sup> Further, a request to vary protective measures for two witnesses is pending before the Panel.<sup>5</sup> Accordingly, at this stage and to avoid multiple, lesser redacted versions of the CRV Confirmation Decision – which could result in unnecessary use of resources<sup>6</sup> – the Request may be premature. As to the timing of any lesser redacted version(s) of the CRV Confirmation Decision, the SPO defers to the Panel, provided that necessary redactions are maintained to give effect to protective measures in force.

**Word count: 345**



**Alex Whiting**

**Acting Specialist Prosecutor**

Friday, 17 March 2023

At The Hague, the Netherlands.

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<sup>1</sup> Corrected Version of Selimi Defence Request for Lesser Redacted Version of Decision Confirming the Indictment, KSC-BC-2020-06/F01347/COR, 7 March 2023 ('Request').

<sup>2</sup> Confidential 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/CONF/RED, 26 October 2020, Confidential ('CRV Confirmation Decision').

<sup>3</sup> See Annex 1 (identifying (i) the witnesses whose identities have not been disclosed to the Defence and (ii) the corresponding paragraphs with redactions that remain necessary to give effect to the relevant witnesses' protective measures). Annex 1 is strictly confidential and *ex parte* to give effect to existing protective measures, as linking certain witnesses to certain locations, events, or allegations could undermine authorised protective measures.

<sup>4</sup> See Delayed disclosure notification for witness, KSC-BC-2020-06/F01341, 3 March 2023, Confidential, para.2; Delayed disclosure notification for four witnesses, KSC-BC-2020-06/F01335, 1 March 2023, Confidential, para.2; Prosecution Submission in advance of Specialist Prosecutor's preparation conference, KSC-BC-2020-06/F01291, 14 February 2023, para.14.

<sup>5</sup> Prosecution request to vary protective measures, KSC-BC-2020-06/F01261, 7 February 2023, Confidential.

<sup>6</sup> In this regard, any prejudice is limited, as the Defence already has access to, *inter alia*, a lesser redacted version of the SPO's Pre-Trial Brief (KSC-BC-2020-06/F01296/A01) and the complete evidence of all witnesses who no longer benefit from anonymity or delayed disclosure protective measures.