



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: Acting Specialist Prosecutor

Date: 3 April 2023

Language: English

Classification: Public

Public redacted version of 'Prosecution Rule 107(2) request concerning one associated exhibit with strictly confidential and *ex parte* Annex 1', KSC-BC-2020-06/F00740, dated 21 March 2022

Specialist Prosecutor's Office

Alex Whiting

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Gregory Kehoe

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Counsel for Jakup Krasniqi

Venkateswari Alagendra

1. Pursuant to the Framework Decision,¹ Articles 35(2)(e)-(f) and 39(1), (3) and (11) of the Law,² and Rules 95(2)(h), 107, and 108 of the Rules,³ the Specialist Prosecutor's Office ('SPO') requests the Pre-Trial Judge to relieve the SPO of its disclosure obligations in relation to limited, discrete information redacted in document [REDACTED] (cleared version of [REDACTED]),⁴ falling under Rule 107 ('Rule 107 Information').⁵ This document is one of the associated exhibits subject of the Extension Decision.⁶
2. Document [REDACTED] is [REDACTED]. The document contains information on [REDACTED].
3. The only Rule 107 redactions have been applied by the provider to annotations on four pages of the 46-page document. The annotations redacted concern: [REDACTED];⁷ and [REDACTED].⁸ No redactions are applied to potentially exculpatory information and any potentially relevant information covered by the redactions is available to the Defence through other means.⁹ Accordingly, no counterbalancing measures are necessary.
4. For the foregoing reasons, the SPO requests that the Pre-Trial Judge relieve the SPO of its disclosure obligations relating to the Rule 107 Information.
5. This request and Annex 1 are strictly confidential and *ex parte* in accordance with Rules 82(4) and 107(2). A confidential redacted version of the request will be submitted.

¹ Framework Decision on Disclosure of Evidence and Related Matters, KSC-BC-2020-06/F00099, 23 November 2020 ('Framework Decision'), paras 69-71 and 99(1).

² Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

³ 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.

⁴ [REDACTED]. It has been replaced in Legal Workflow with the correct, cleared version ([REDACTED]) and recipients of [REDACTED] and confirm they have done so.

⁵ Documents [REDACTED] and [REDACTED] are included at Annex 1.

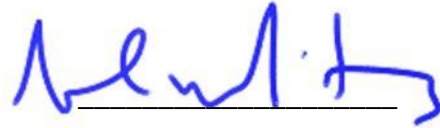
⁶ Decision on Specialist Prosecutor's Request for Extension of Time, KSC-BD-2020-06/F00667, 31 January 2022, Confidential ('Extension Decision'), para.13(b) (ordering the SPO to disclose, *inter alia*, this associated exhibit by 31 March 2022). The other materials subject of the Extension Decision do not require protective measures and will be disclosed by the deadline.

⁷ Annex 1, pp.2 ([REDACTED]), 48 ([REDACTED]).

⁸ Annex 1, pp.18-20 ([REDACTED]), 64-66 ([REDACTED]).

⁹ See SITF00041410-00041462 (Disclosure Package 64), pp.SITF00041426-SITF00041428.

Word count: 362

A handwritten signature in blue ink, appearing to read 'Alex Whiting', written over a horizontal line.

Alex Whiting

Acting Specialist Prosecutor

Monday, 3 April 2023

At The Hague, the Netherlands.