



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 Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 4 September 2023

Language: English

Classification: Public

**Public Redacted Version of 'Prosecution request for reclassification of filing
F01599/RED'**

Specialist Prosecutor's Office

Ward Ferdinandusse

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagendra

1. Pursuant to Rule 82(5) of the Rules,¹ the Public Redacted Motion² should be reclassified as confidential and the VESELI Defence should be ordered to submit a public redacted version consistent with the Public Redacted Response.³ When filing the Public Redacted Motion, the Defence ignored the Panel's prior redaction orders, which leave no doubt as to the potentially identifying information that should be redacted to give effect to [REDACTED]'s protective measures.⁴
2. The Panel has already found that, to give effect to [REDACTED]'s protective measures, redactions are necessary to avoid linking [REDACTED] to, *inter alia*, (i) [REDACTED];⁵ and (ii) [REDACTED].⁶ Thus, in the context of the Public Redacted Motion, which concerns both proceedings in which [REDACTED], all references to

¹ 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 are to the Rules, unless otherwise indicated.

² Public Redacted Version of Veseli Defence Request Regarding Items Associated with [REDACTED]'s Testimony, KSC-BC-2020-06/F01599/RED, 9 June 2023 ('Public Redacted Motion').

³ Public Redacted Version of 'Prosecution response to "Veseli Defence Request Regarding Items [REDACTED]"', KSC-BC-2020-06/F01620/RED, 23 June 2023 ('Public Redacted Response'). The Specialist Prosecutor's Office has also filed a response to the VESELI Request, seeking that Panel deny reclassification of the Reply. *See* Veseli Defence Request for Reclassification of F01632, KSC-BC-2020-06/F01756, 1 September 2023 ('VESELI Request'); Veseli Defence Reply to Prosecution Response to 'Veseli Defence Request Regarding Items Associated with [REDACTED]'s Testimony', KSC-BC-2020-06/F01632, 30 June 2023, Confidential ('Reply').

⁴ Such orders followed extensive submissions by the Parties and participants, both during and after [REDACTED]'s testimony. *See, for example*, fns 5-6 below (and the submissions cited therein).

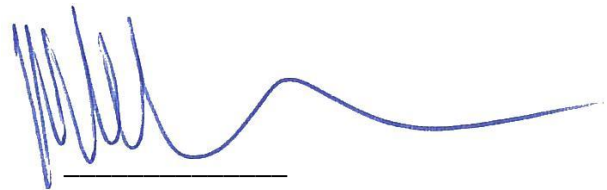
⁵ *See, for example*, Decision on the Prosecution Submission on Reclassification of Portions of [REDACTED]'s testimony, KSC-BC-2020-06/F01654, 7 July 2023, Confidential ('Decision'), paras 13-14. *See also* Prosecution submissions on reclassification of portions of [REDACTED]'s testimony, KSC-BC-2020-06/F01573, Confidential, para.4; Prosecution reply to 'Joint Defence Response to Prosecution Submissions on Reclassification of Portions of [REDACTED]'s Testimony', KSC-BC-2020-06/F01617, 20 June 2023, Confidential, para.1(c), (f).

⁶ References to [REDACTED] were redacted from [REDACTED]'s transcripts, without objection by the Defence. *See, for example*, Annex 1 to Joint Defence Response to Prosecution Submissions on Reclassification of Portions of [REDACTED]'s Testimony, KSC-BC-2020-06/F01607/A01, Confidential, [REDACTED]. *See also* Decision, KSC-BC-2020-06/F01654, para.10.

[REDACTED]'s code,⁷ transcripts of [REDACTED]'s testimony in this case,⁸ and [REDACTED]⁹ should be redacted.

3. This filing is confidential pursuant to Rule 82(4) and to give effect to [REDACTED]'s protective measures.

Word Count: 549



Ward Ferdinandusse

Acting Deputy Specialist Prosecutor

Monday, 4 September 2023

At The Hague, the Netherlands.

⁷ See Public Redacted Motion, KSC-BC-2020-06/F01599/RED, paras 4-5, 13. The witness's code should also be redacted from the title of the Public Redacted Motion on the cover page.

⁸ See Public Redacted Motion, KSC-BC-2020-06/F01599/RED, paras 4-7, fns 3, 6-11. The transcript references are to the contents of both private and open session testimony. Redactions to both are necessary for the reasons given above. References to the contents of [REDACTED]'s private session testimony, as well as his code, should also be redacted. See Public Redacted Motion, KSC-BC-2020-06/F01599/RED, para.20, fn.24.

⁹ See Public Redacted Motion, KSC-BC-2020-06/F01599/RED, para.5, fn.7.