



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

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**Public Redacted Version of 'Prosecution response to VESELI Defence reclassification request (F01756)'**

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**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. The Request<sup>1</sup> should be denied and the VESELI Defence should be ordered to file a public redacted version of the Reply,<sup>2</sup> consistent with the Public Redacted Response.<sup>3</sup> The Request ignores 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.<sup>4</sup> The Defence does not provide any reason or justification for reconsideration of such orders or its failure to abide thereby.<sup>5</sup>
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];<sup>6</sup> and (ii) [REDACTED].<sup>7</sup> Thus, in the context of the Reply, which concerns both [REDACTED], all references to [REDACTED]'s code<sup>8</sup> and transcripts of [REDACTED]'s testimony in this case<sup>9</sup> should be redacted.

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<sup>1</sup> Veseli Defence Request for Reclassification of F01632, KSC-BC-2020-06/F01756, 1 September 2023 ('Request').

<sup>2</sup> 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').

<sup>3</sup> 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').

<sup>4</sup> Such orders followed extensive submissions by the Parties and participants, both during and after [REDACTED]'s testimony. *See, for example*, fns 6-7 below (and the submissions cited therein).

<sup>5</sup> The Specialist Prosecutor's Office has also filed a request for reclassification of the Public Redacted Motion, to which the Reply relates. *See* 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').

<sup>6</sup> *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).

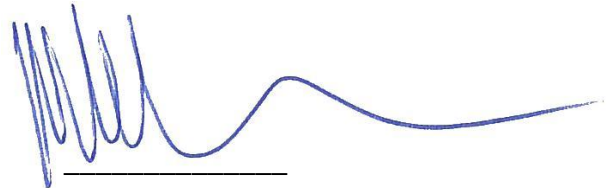
<sup>7</sup> References [REDACTED] were redacted from [REDACTED]'s transcripts, without objection by the Defence. *See, for example*, Annex 1 to Joint Defence Response to Prosecution Submissions on Reclassification of Portions of [REDACTED]'s Testimony, KSC-BC-2020-06/F01607/A01, Confidential, [REDACTED]. *See also* Decision, KSC-BC-2020-06/F01654, para.10.

<sup>8</sup> *See* Reply, KSC-BC-2020-06/F01632, paras 1, fns 1-2. The witness's code should also be redacted from the title of the Reply on the cover page.

<sup>9</sup> *See* Reply, KSC-BC-2020-06/F01632, fns 6-7. The transcript references are to the contents of both private and open session testimony. Redactions to both are necessary for the reasons given above.

3. This filing is confidential pursuant to Rule 82(4) of the Rules<sup>10</sup> and to give effect to [REDACTED]'s protective measures.

**Word Count: 493**



**Ward Ferdinandusse**

**Acting Deputy Specialist Prosecutor**

Monday, 4 September 2023

At The Hague, the Netherlands.

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<sup>10</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').