



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06

The 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: Fidelma Donlon

Date: 14 November 2023

Language: English

Classification: Public

Decision on Thaçi Defence Request for Reclassification

Specialist Prosecutor
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Counsel for Hashim Thaçi
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Counsel for Kadri Veseli
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Counsel for Rexhep Selimi
Geoffrey Roberts

Counsel for Jakup Krasniqi
Venkateswari Alagendra

TRIAL PANEL II (“Panel”), pursuant to Articles 21(2) and 40(2) and (4) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 82 and 116(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 25 October 2023, the Defence for Mr Thaçi (“Thaçi Defence”) filed a request for reclassification (“Request”),¹ seeking the reclassification as public of: (i) Annex 1 to the Second Defence Motion for Judicial Notice of Adjudicated Facts (“Proposed Adjudicated Fact”);² and (ii) the Reply to Prosecution Response to Second Defence Motion for Judicial Notice of Adjudicated Facts (“F01819”).³
2. The Specialist Prosecutor’s Office (“SPO”) did not respond to the Request.

II. DISCUSSION

3. Having considered the Request, the Panel is satisfied that F01819 can be reclassified as public. Turning to the Proposed Adjudicated Fact, the Panel observes that it originates from a judgment in a Kosovo domestic proceedings,⁴ which is publicly available in redacted form. The Panel notes that the Proposed Adjudicated Fact includes a name which is redacted in the publicly available version of the judgment.⁵ The Panel further notes that disclosing the above-mentioned name might lead to the identification of the relevant individual as an

¹ F01890, Specialist Counsel, *Thaçi Defence Request for Reclassification*, 25 October 2023.

² F01780/A01, Specialist Counsel, *Annex 1 to Second Defence Motion for Judicial Notice of Adjudicated Facts*, 8 September 2023, confidential.

³ F01819, Specialist Counsel, *Reply to Prosecution Response to Second Defence Motion for Judicial Notice of Adjudicated Facts*, 26 September 2023, confidential.

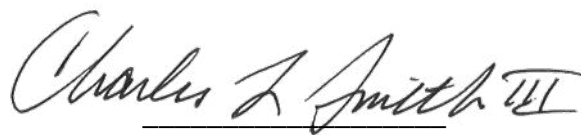
⁴ District Court of Pristina, P. No. 215/04, *Verdict against the accused Rrustem Dema, Enver Axhami, Ejup Runjeva, Bujar Tafili and Nuhi Provoliu (“Dema et al. Trial Judgment”)*, 12 May 2005.

⁵ *Dema et al. Trial Judgment*, p. 51.

SPO witness, thus defeating the purpose of the Defence's submission of a public redacted version of the Second Defence Motion for Judicial Notice of Adjudicated Facts.⁶ The Panel is therefore not satisfied that the Proposed Adjudicated Fact can be reclassified as public. For these reasons, the Panel: (i) grants the Thaçi Defence's request for reclassification of F01819 as public; (ii) direct the Registry to reclassify F01819 as public; (iii) rejects the Thaçi Defence's request for reclassification of the Proposed Adjudicated Fact as public; and (iv) orders the Defence to submit a public redacted version of the Proposed Adjudicated Fact by Friday, 24 November 2023.

III. DISPOSITION

4. For the above-mentioned reasons, the Panel hereby:
- a) **GRANTS** the Request, in part;
 - b) **DIRECTS** the Registry to reclassify F01819 as public;
 - c) **REJECTS** the Thaçi Defence's request for reclassification of the Proposed Adjudicated Fact as public; and
 - d) **ORDERS** the Defence to submit a public redacted version of the Proposed Adjudicated Fact by Friday, 24 November 2023.



Judge Charles L. Smith, III

Presiding Judge

Dated this Tuesday, 14 November 2023

At The Hague, the Netherlands.

⁶ See Request, para. 2; F01780, Specialist Counsel, *Second Defence Motion for Judicial Notice of Adjudicated Facts*, 8 September 2023, confidential, para. 14 (a public redacted version was filed on 25 October 2023, F01780/RED).