



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: 19 February 2024

Language: English

Classification: Public

Public redacted version of

'Prosecution request for non-disclosure

with strictly confidential and ex parte Annex 1 and confidential Annex 2'

Specialist Prosecutor's Office

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1. Pursuant to Rule 108 of the Rules,¹ the Specialist Prosecutor's Office ('SPO') requests non-disclosure of a document ('Document')² containing limited Rule 103 information concerning SPO witness W04501. Full disclosure would be contrary to the rights of third parties,³ and providing a summary that contains all information relevant to W04501⁴ suffices as a counterbalancing measure.
2. The Document concerns a [REDACTED] conversation between two third parties ('Person 1' and 'Person 2') [REDACTED]. [REDACTED].
3. Person 2 is not identified in the Document, but Person 1 is [REDACTED]. [REDACTED].⁵ [REDACTED].⁶ [REDACTED].⁷ [REDACTED].
4. As serious as these concerns are, the part of the Document concerning W04501 is limited and can be disclosed in summary form.⁸ This information, provided in Annex 2, allows the Defence to properly prepare for and cross-examine W04501 without revealing the identity of anyone for whom disclosure would cause a high security risk.
5. This filing and its Annex 1 are classified as strictly confidential and *ex parte* pursuant to Rules 82(3) and 108(1) in order to protect the rights of third parties. Confidential and public redacted versions of the filing are filed simultaneously, and Annex 2 has a confidential classification in order to protect an SPO witness subject to protective measures.

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 refer to the Rules, unless otherwise specified.

² Annex 1.

³ Rule 108(1)(c).

⁴ Annex 2.

⁵ [REDACTED].


⁶ [REDACTED].

⁷ [REDACTED]. [REDACTED].

⁸ The remaining information in the Document is irrelevant (or, at best, marginally relevant), consisting largely of speculation and hearsay concerning events that are outside the Indictment period and/or not directly connected to the charges in this case.

6. For the foregoing reasons, the SPO requests the Trial Panel to order non-disclosure of the Document.

Word count: 485



Kimberly P. West

Specialist Prosecutor

Monday, 19 February 2024

At The Hague, The Netherlands.