

**In:** KSC-BC-2020-04  
**The Prosecutor v. Pjetër Shala**

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Victims' Counsel

**Date:** 18 February 2022

**Language:** English

**Classification:** Confidential

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**Victims' Counsel's Submissions on Continuation of Protective Measures for  
Victim Participating in the Proceedings**

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**Specialist Prosecutor**  
Jack Smith

**Counsel for Pjetër Shala**  
Jean-Louis Gilissen

**Counsel for Victims**  
Simon Laws

## I. INTRODUCTION

1. At the request of the Pre-Trial Judge,<sup>1</sup> Victims' Counsel has consulted the victim participating in the proceedings ("VPP") as to his wishes in respect of protective measures. He has confirmed that he requests anonymity as a VPP, *vis à vis* the public, the Accused and the Defence.

## II. PROCEDURAL HISTORY

2. On 4 January 2021, the Pre-Trial Judge issued a Framework Decision on Victims' Applications.<sup>2</sup> On 1 October 2021, the Victims' Participation Office submitted one application for participation as a victim in the proceedings.<sup>3</sup>
3. On 15 December 2021, the Pre-Trial Judge issued the First Decision admitting one VPP and directing the Registrar to assign, by Friday, 28 January 2022, a Victims' Counsel for the purpose of representing the VPP.<sup>4</sup>
4. In the same decision, the Pre-Trial Judge found that:

"... the following measures were appropriate, necessary and proportionate at this stage of the proceedings, namely:(i) redacting the Applicant's name and identifying information from the SC public records (Rule 80(4)(a)(i) of the Rules); (ii) non-disclosure to the public of any records identifying the Applicant (Rule 80(4)(a)(ii) of the Rules); (iii) the assignment of a pseudonym (Rule 80(4)(a)(vi) of the Rules); (iv) non-disclosure to the Accused by Specialist Counsel of any material or information that may lead to disclosure of the identity of a witness or victim participating in the proceedings (Rule 80(4)(d) of the Rules); and (v) non-disclosure to the Defence of any material or information that may lead to the disclosure of the identity of a witness or victim participating in the proceedings (Rule 80(4)(e)(i) of the Rules).<sup>5</sup>

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<sup>1</sup> KSC-BC-2020-04, F00123/RED, Public Redacted Version of First Decision on Victims' Participation, 15 December 2021 ("First Decision"), paras 41 and 50(e).

<sup>2</sup> KSC-BC-2020-04, F00064, Framework Decision on Victims' Applications, 1 September 2021.

<sup>3</sup> KSC-BC-2020-04, F00085/RED, Public Redacted Version of the First Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, filing F00085, dated 1 October 2021, 29 October 2021.

<sup>4</sup> First Decision, para. 50(a)-(b).

<sup>5</sup> First Decision, para. 40.

5. Further, noting that the application form requested anonymity only towards the public, the Pre-Trial Judge ordered the measures under Rule 80(4)(d) and Rule 80(4)(e)(i) on a provisional basis and directed that assigned Counsel should consult the VPP and provide submissions as to the need for the continuing application of these measures no later than 25 February 2022.<sup>6</sup>
6. On 28 January 2022, Victims' Counsel was assigned to the case.<sup>7</sup>

### III. SUBMISSIONS

7. Victims' Counsel confirms that he has consulted with the VPP and that his request is that his identity as a VPP in this case should not be disclosed to the public, the Accused or the Defence. Victims' Counsel submits that, for all the reasons set out by the Pre-Trial Judge in the First Decision, these are appropriate measures.

### IV. RELIEF SOUGHT

8. The Pre-Trial Judge is respectfully invited to order that the provisional orders under Rule 80(4)(d) and Rule 80(4)(e)(i) made on 15 January 2022 should remain in place until further order.

**Word Count: 511**



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**Simon Laws QC**

**Counsel for Victims**

18 February 2022

Exeter, United Kingdom

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<sup>6</sup> First Decision, para. 41.

<sup>7</sup> KSC-BC-2020-04, F00134, Notification of Assignment of Victims' Counsel, 28 January 2022.