



In: KSC-BC-2018-01

Before: Single Judge Panel
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 17 October 2023

Language: English

Classification: Strictly Confidential and *Ex Parte*

Order for the Transfer of Documents

Acting Deputy Specialist Prosecutor

Ward Ferdinandusse

Registry

Fidelma Donlon

THE SINGLE JUDGE,¹ pursuant to Article 33(2) of Law No. 05/L-53 on Specialist Chambers and Specialist Prosecutor's Office, hereby issues this order.

I. PROCEDURAL BACKGROUND

1. On 11 September 2023, the President of the Specialist Chambers decided to assign Judge Nicolas Guillou as Pre-Trial Judge in the case KSC-BC-2023-10,² pursuant to a notification by the Specialist Prosecutor's Office ("SPO") of the filing of an indictment against Sabit Januzi and Ismet Bahtjari ("Accused").³

2. On 2 October 2023, the Pre-Trial Judge issued the "Decision on the Confirmation of the Indictment" ("Confirmation Decision"),⁴ as well as the "Decision on Request for Arrest Warrants and Transfer Orders".⁵

3. On 5 October 2023, the Accused were arrested in Kosovo,⁶ and transferred to the Detention Facilities of the Specialist Chambers in The Hague, the Netherlands on the next day.⁷

¹ KSCPR-2018, F00004, President, *Decision Assigning a Single Judge Pursuant to Article 33(2) of the Law*, 29 May 2018, public.

² KSC-BC-2023-10, F00001, President, *Decision Assigning a Pre-Trial Judge*, 11 September 2023, public.

³ KSC-BC-2023-10, F00002/RED, Specialist Prosecutor, *Submission of Indictment for Confirmation and Related Requests*, 11 September 2023, public, with Annexes 1-3, strictly confidential and *ex parte*; F00016, Specialist Prosecutor, *Submission of Public Redacted Version of Confirmed Indictment*, 6 October 2023, with Annex 1, public.

⁴ KSC-BC-2023-10, F00008/RED, Pre-Trial Judge, *Public Redacted Version of the Decision on the Confirmation of the Indictment*, 2 October 2023, public.

⁵ KSC-BC-2023-10, F00009/RED, Pre-Trial Judge, *Public Redacted Version of the Decision on Request for Arrest Warrants and Transfer Orders*, 2 October 2023, public, with Annexes 1-4, strictly confidential.

⁶ KSC-BC-2023-10, F00011, Registrar, *Notification of Arrest of Ismet Bahtjari Pursuant to Rule 55(4)*, 5 October 2023, strictly confidential and *ex parte*; F00012, Registrar, *Notification of Arrest of Sabit Januzi Pursuant to Rule 55(4)*, 5 October 2023, strictly confidential and *ex parte*.

⁷ KSC-BC-2023-10, F00014, Registrar, *Notification of the Reception of Ismet Bahtjari in the Detention Facilities of the Specialist Chambers*, 6 October 2023, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*; F00015, Registrar, *Notification of the Reception of Sabit Januzi in the Detention Facilities of the Specialist Chambers*, 6 October 2023, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*.

4. On 6 October 2023, the Single Judge issued an order instructing the SPO to file submissions on the transfer of filings relevant to the Accused from the KSC-BC-2018-01 file to the KSC-BC-2023-10 case file ("Order for Submissions").⁸

5. On 11 October 2023, the SPO filed its submissions ("SPO Submissions").⁹

II. DISCUSSION

6. Mindful of the need to make available to the Accused relevant filings and decisions in the KSC-BC-2018-01 file that have been issued prior to the Confirmation Decision in relation to case KSC-BC-2023-10, and considering that the SPO does not raise any objections as to the transfer of the filings listed in the Order for Submissions,¹⁰ the Single Judge shall order the Registry to transfer the documents listed below to the KSC-BC-2023-10 case file. The Order for Submissions (KSC-BC-2018-01, F00473, strictly confidential and *ex parte*), the SPO Submissions (KSC-BC-2018-01, F00477, strictly confidential and *ex parte*), as well as the present order, together with the filings enumerated under this paragraph, including their annexes and corresponding translations, if available, shall be copied and transferred into the KSC-BC-2023-10 case file as follows: (i) the Order for Submissions, the SPO Submissions, and this order shall be the first ones to be transferred, in this sequence, and shall be placed after the latest filing in the KSC-BC-2023-10 case file; and (ii) the documents enumerated below shall follow directly after it, in chronological order. Unless ordered otherwise, these documents shall maintain their current classifications.

- i. KSC-BC-2018-01, F00333, strictly confidential and *ex parte*, with Annexes 1-3, strictly confidential and *ex parte*;

⁸ KSC-BC-2018-01, F00473, Single Judge, *Order for Submissions on the Transfer of Documents*, 6 October 2023, strictly confidential and *ex parte*.

⁹ KSC-BC-2018-01, F00477, Specialist Prosecutor, *Prosecution Submissions Pursuant to Order F00473*, 11 October 2023, strictly confidential and *ex parte*.

¹⁰ Order for Submissions, para. 4; SPO Submissions, para. 2.

- ii. KSC-BC-2018-01, F00337, strictly confidential and *ex parte*;
- iii. KSC-BC-2018-01, F00335, strictly confidential and *ex parte*;
- iv. KSC-BC-2018-01, F00342, strictly confidential and *ex parte*, with Annexes 1-2, strictly confidential;
- v. KSC-BC-2018-01, F00345, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*;
- vi. KSC-BC-2018-01, F00348, strictly confidential and *ex parte*, with Annex 1, strictly confidential;
- vii. KSC-BC-2018-01, F00351, strictly confidential and *ex parte*;
- viii. KSC-BC-2018-01, F00355, strictly confidential and *ex parte*, with Annexes 1-3, strictly confidential;
- ix. KSC-BC-2018-01, F00356, strictly confidential and *ex parte*;
- x. KSC-BC-2018-01, F00359, strictly confidential and *ex parte*, with Annexes 1-2, strictly confidential and *ex parte*;
- xi. KSC-BC-2018-01, F00366, strictly confidential and *ex parte*;
- xii. KSC-BC-2018-01, F00368, strictly confidential and *ex parte*, with Annexes 1-4, strictly confidential and *ex parte*;
- xiii. KSC-BC-2018-01, F00372, strictly confidential and *ex parte*;
- xiv. KSC-BC-2018-01, F00377, strictly confidential and *ex parte*;
- xv. KSC-BC-2018-01, F00378, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*;
- xvi. KSC-BC-2018-01, F00383, strictly confidential and *ex parte*;
- xvii. KSC-BC-2018-01, F00387, strictly confidential and *ex parte*;

- xviii. KSC-BC-2018-01, F00394, strictly confidential and *ex parte*, with Annex 1, strictly confidential;
- xix. KSC-BC-2018-01, F00395, strictly confidential and *ex parte*, with Annexes 1-3, strictly confidential;
- xx. KSC-BC-2018-01, F00396, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*;
- xxi. KSC-BC-2018-01, F00406, strictly confidential and *ex parte*;
- xxii. KSC-BC-2018-01, F00411, strictly confidential and *ex parte*;
- xxiii. KSC-BC-2018-01, F00412, strictly confidential and *ex parte*;
- xxiv. KSC-BC-2018-01, F00415, strictly confidential and *ex parte*;
- xxv. KSC-BC-2018-01, F00416, strictly confidential and *ex parte*;
- xxvi. KSC-BC-2018-01, F00418, strictly confidential and *ex parte*, with Annexes 1-2, strictly confidential;
- xxvii. KSC-BC-2018-01, F00421, strictly confidential and *ex parte*;
- xxviii. KSC-BC-2018-01, F00422, strictly confidential and *ex parte*, with Annex 1, strictly confidential;
- xxix. KSC-BC-2018-01, F00424, strictly confidential and *ex parte*;
- xxx. KSC-BC-2018-01, F00429, strictly confidential and *ex parte*, with Annex 1;
- xxxi. KSC-BC-2018-01, F00440, strictly confidential and *ex parte*;
- xxxii. KSC-BC-2018-01, F00449, strictly confidential and *ex parte*, with Annex 1, strictly confidential;
- xxxiii. KSC-BC-2018-01, F00454, strictly confidential and *ex parte*;

xxxiv. KSC-BC-2018-01, F00459, strictly confidential and *ex parte*, with Annexes 1-2, strictly confidential; and

xxxv. KSC-BC-2018-01, F00465, strictly confidential and *ex parte*.

7. Furthermore, bearing in mind the ongoing nature of the investigation, as well as the fact that the SPO does not raise any objections in this respect either,¹¹ the Single Judge shall order the SPO to cross-file any future submissions related to the ongoing investigation of the Accused, including any forthcoming reports and/or requests that may follow as a result of the filings enumerated in the previous paragraph, in both the KSC-BC-2018-01 file, and the KSC-BC-2023-10 case file. The Single Judge also indicates in this regard that any forthcoming filings in the KSC-BC-2018-01 file to be cross-filed in the KSC-BC-2023-10 case file shall, in principle, retain their original classification, unless the SPO indicates otherwise.

III. DISPOSITION

8. For the above reasons, the Single Judge hereby:

- (a) **ORDERS** the Registry to copy and transfer, in the manner detailed in paragraph 6 of this order, the documents listed therein by **Friday, 20 October 2023**;
- (b) **ORDERS** the Registry to maintain, unless instructed otherwise, the classification level of each of the copied and transferred documents; and
- (c) **ORDERS** the SPO to cross-file, as described in paragraph 7 of this order, any future submissions related to the ongoing investigation of the Accused.

¹¹ SPO Submissions, para. 3.



Judge Nicolas Guillou

Single Judge

Dated this Tuesday, 17 October 2023

At The Hague, the Netherlands.