



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: **KSC-BC-2023-10**
Specialist Prosecutor v. Sabit Januzi, Ismet Bahtijari and Haxhi Shala

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

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 12 April 2024

Language: English

Classification: Public

Public redacted version of 'Prosecution submissions regarding completion of investigations'

Specialist Prosecutor's Office

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1. Pursuant to the Decision,¹ the Specialist Prosecutor's Office ('SPO') hereby provides a detailed description of the target date for completing its investigations.
2. As previously indicated,² the SPO's outstanding investigations related to three areas: (i) the analysis of phones belonging to the three Accused (the 'Accused Phones');³ (ii) [REDACTED],⁴ including the Recording Materials;⁵ and (iii) [REDACTED].⁶ As outlined below, the only investigative steps remaining to be completed relate [REDACTED], and the results of all other investigative steps are being prepared for disclosure, and no further investigations are currently contemplated.
3. The analysis of the Accused Phones has been completed, and certain relevant extracts will be disclosed and hard drives containing forensic copies of the Accused Phones made available for collection by defence counsel on or by 19 April 2024, subject to pending judicial authorisation as required.⁷
4. The processing of the Recording Materials is in the final stages, and the related investigation has been completed. The SPO anticipates receiving the Recording Materials

¹ Decision Setting out the Calendar for the Remaining Procedural Steps of the Pre-Trial Phase, KSC-BC-2023-10/F00233, 27 March 2024 ('Decision'), paras 24, 30(f).

² See Prosecution submissions for status conference, KSC-BC-2023-10/F00222, 19 March 2024, para 11.

³ See Prosecution request for Rule 102(1)(b) disclosure and to amend exhibit list, KSC-BC-2023-10/F00242, 5 April 2024, Confidential ('Prosecution Request'), paras 3, 4(a)-(b). See also Decision Authorising Searches and Seizures, KSC-BC-2023-10/F00155, 29 January 2024, Confidential; [REDACTED].

⁴ See Decision on Prosecution Supplemental Request for an Order, KSC-BC-2023-10/F00151, 22 January 2024, Confidential; Decision on Prosecution Request for an Order and Related Non-Disclosure, KSC-BC-2023-10/F00141, 21 December 2023, Confidential.

⁵ As that term is defined in Prosecution Request, KSC-BC-2023-10/F00242, para 2.

⁶ See Prosecution Request, KSC-BC-2023-10/F00242, para.4(c); [REDACTED].

⁷ See Prosecution Request, KSC-BC-2023-10/F00242, paras 4(a)-(b).

[REDACTED] and disclosing the materials and the corresponding Recording Transcript⁸ by 19 April 2024.⁹

5. The collection of the [REDACTED] is nearly complete. [REDACTED] are ready for disclosure by 19 April 2024, subject to pending judicial authorisation. The SPO is awaiting responses [REDACTED], and thus may receive [REDACTED] that it would disclose – including, if appropriate, pursuant to Rule 102(1)(b) subject to pending judicial authorisation.¹⁰ The SPO is unable to provide a specific target date binding [REDACTED].

6. On 4 April 2024, the SPO submitted a further request to the Pre-Trial Judge in order to complete the collection [REDACTED].¹¹ The timeframe related to completion of this investigative step would be subject to the time necessary for the Pre-Trial Judge to make a decision on [REDACTED].

7. Thus, the only remaining investigative steps pertain to [REDACTED], for which the SPO cannot provide a date-certain. Nonetheless, the relevant scope of such materials would be very limited. All other investigative steps have been completed, and the results thereof are anticipated to be available for disclosure – subject, as applicable, to judicial authorisation – by the date of 19 April 2024, as set in the Decision.

8. Although no further investigation is currently contemplated, the SPO will continue to fulfil its investigative responsibilities as needed, particularly in light of any newly discovered evidence or information. Any further investigation and related disclosures

⁸ As that term is defined in Prosecution Request, KSC-BC-2023-10/F00242, para.2.

⁹ The SPO will also report upon its oral briefing of the relevant parties of the search and its results. *See* Decision on Prosecution Request for an Order and Related Non-Disclosure, KSC-BC-2023-10/F00141, 21 December 2023, Confidential, paras 33-34; Decision on Prosecution Supplemental Request for an Order, KSC-BC-2023-10/F00151, 22 January 2024, Confidential, paras 36-37.


¹⁰ *See* Prosecution Request, KSC-BC-2023-10/F00242, para.4(c).

¹¹ [REDACTED].

would proceed in accordance with the KSC statutory scheme,¹² and mindful of the stage of proceedings.

9. This filing is submitted confidentially pursuant to Rule 82(4). A public redacted version will be filed.

Word count: 763



Kimberly P. West

Specialist Prosecutor

Friday, 12 April 2024

At The Hague, the Netherlands

¹² See *Specialist Prosecutor v. Taçi et al.*, KSC-BC-2020-06, Transcript (Status Conference), 17 December 2020, pp. 198, lines 10-25, 199, lines 1-12.