



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: 17 May 2024

Language: English

Classification: Confidential

Prosecution response to F00287

Specialist Prosecutor's Office

Kimberly P. West

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1. In its Request,¹ the Defence for Haxhi Shala seeks a finding of inadmissibility for certain items disclosed to the Defence by the Specialist Prosecutor's Office ('SPO'). The Request purports to be responsive to the Pre-Trial Judge's order directing the Defence to submit any requests related to the disclosure process as well as any objections pursuant to Rule 95(2)(e) of the Rules.²
2. At this pre-trial stage of the proceedings, the Shala Defence goes beyond objecting to the admissibility of evidentiary materials disclosed pursuant to Rule 102, as contemplated by Rule 95(2)(e), and instead prematurely requests a ruling on items that the SPO has not yet, pursuant to Rule 138(1), submitted to a Trial Panel for admission into evidence.
3. The Request should be denied. The Defence will have the opportunity to raise the arguments it sets forth in the Request at the appropriate time in an appropriate procedural vehicle in compliance with the schedule to be set by a future Trial Panel.³
4. This filing is submitted confidentially pursuant to Rule 82(4). The SPO does not object to its reclassification as public.

Word count: 240



Kimberly P. West

Specialist Prosecutor

Friday, 17 May 2024

At The Hague, the Netherlands

¹ Request for a finding of inadmissibility of Items disclosed under Rule 102 of the Rules, KSC-BC-2023/10/F00287, 13 May 2024, Confidential ('Request').

² Decision Setting out the Calendar for the Remaining Procedural Steps of the Pre-Trial Phase, KSC-BC-2023/10/F00233, 27 March 2024, paras 23, 30(e); Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

³ Should the Panel be minded to engage with the merits of the Request, the SPO requests a further opportunity to respond.