



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

**In:** KSC-BC-2023-10  
Specialist Prosecutor v. Sabit Januzi and Ismet Bahtijari  
KSC-BC-2023-11  
Specialist Prosecutor v. Haxhi Shala

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

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor's Office

**Date:** 20 December 2023

**Language:** English

**Classification:** Public

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**Public redacted version of 'Prosecution report pursuant to Decision F00521**

**with strictly confidential and *ex parte* Annexes 1 and 2'**

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## I. INTRODUCTION

1. Pursuant to the Decision,<sup>1</sup> the Specialist Prosecutor's Office ('SPO') hereby reports to the Pre-Trial Judge on the authorised searches and seizures conducted: (i) on the person of Haxhi SHALA and (ii) of SHALA's mobile phone. [REDACTED].

II. [REDACTED]

2. [REDACTED]<sup>2</sup> [REDACTED].

3. [REDACTED].

4. [REDACTED]. [REDACTED]. [REDACTED].

5. [REDACTED].

## III. SEARCH AND SEIZURE

6. On 11 December 2023, the SPO Search Coordinator, other SPO personnel, and an interpreter (collectively, the 'SPO Team'), together with an Independent Observer, executed the Order at an SPO office within the EULEX compound (the 'Compound').<sup>3</sup>

7. At approximately 12:48, the SPO Team and the Independent Observer met SHALA at the Compound. The SPO Search Coordinator formally introduced the Independent Observer and his duties.

8. Thereafter, the SPO Search Coordinator handed SHALA copies of the Order and extracts of Rules 42 and 43 and Article 38(3) of the Law<sup>4</sup> in both Albanian and

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<sup>1</sup> Decision Authorising Search and Seizure [REDACTED], KSC-BC-2018-01/F00521, 30 November 2023, Strictly Confidential and *Ex Parte* ('Decision'). The relevant (1) memoranda of service and (2) search report are attached at Annexes 1 and 2.

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

<sup>3</sup> [REDACTED]. See Report on the Arrest and Transfer of Haxhi Shala to the Detention Facilities with strictly confidential and *ex parte* Annexes 1-3, KSC-BC-2023-11/F00015, 13 December 2023, Strictly Confidential and *Ex Parte* (reclassified to 'Confidential' on 15 December 2023), para.9.

<sup>4</sup> Law no.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

English, and read him his rights.<sup>5</sup> SHALA confirmed that he understood his rights and waived his right to an attorney before signing the written attorney waiver.<sup>6</sup>

9. The SPO Search Coordinator finalised the formalities and, at approximately 13:19, asked SHALA if he uses any other mobile phones in addition to the Samsung Galaxy Note 8 ('the SHALA Phone'). SHALA answered in the negative.

10. A minute later, the SPO Search Coordinator informed SHALA that he was going to officially seize the SHALA Phone. [REDACTED]. [REDACTED].<sup>7</sup> The SHALA Phone was then seized by the SPO Team and sealed in an evidence bag.<sup>8</sup>

11. Thereafter, at approximately 13:49, the SPO Search Coordinator provided SHALA with a copy of the list of seized evidence.<sup>9</sup> Thereafter, the Independent Observer and SHALA made comments to the search report.<sup>10</sup>

12. The SPO Search Coordinator then concluded the search, and, at approximately 13:51, the SPO Team left the relevant room of the Compound.

#### IV. SECURE EVIDENCE TRANSFER TO THE HAGUE

13. After the search was concluded, the SHALA Phone remained in the custody of SPO staff until it was secured at the SPO premises in Prishtinë/Priština that same day.

14. On 12 December 2023, an SPO Team member took custody of the seized item, and, maintaining control over it, travelled from Prishtinë/Priština to The Hague, where, at approximately 18:31, custody of seized item was transferred to an external institute for expert forensic analysis.

#### V. CLASSIFICATION

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<sup>5</sup> See Annex 2, p.3.

<sup>6</sup> See Annex 2, p.3.

<sup>7</sup> [REDACTED].

<sup>8</sup> The SHALA Phone is listed as item #1 in the list of seized evidence and was placed in evidence bag #E215622.

<sup>9</sup> See Annex 2, p.10.

<sup>10</sup> See Annex 2, pp. 14-15.

15. This filing is submitted as strictly confidential and *ex parte* in accordance with Rule 82(4).

**Word count: 858**



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**Kimberly P. West**

Wednesday, 20 December 2023

At The Hague, the Netherlands.