



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2023-10

The Specialist Prosecutor v. Sabit Januzi, Ismet Bahtijari and Haxhi Shala

Before: Trial Panel I

Judge Mappie Veldt-Foglia, Presiding Judge

Judge Roland Dekkers

Judge Gilbert Bitti

Judge Vladimir Mikula, Reserve Judge

Registrar: Fidelma Donlon

Date: 24 September 2024

Language: English

Classification: Public

Decision setting the dates for trial preparation conferences, requesting submissions and on related matters

Specialist Prosecutor
Kimberly P. West

Counsel for Sabit Januzi
Jonathan Elystan Rees

Witness Protection and Support Office
Head of Witness Protection and Support Office

Counsel for Ismet Bahtijari
Felicity Gerry

Counsel for Haxhi Shala
Toby Cadman

TRIAL PANEL I (Panel) hereby renders this decision setting the dates for trial preparation conferences and requesting submissions.

I. PROCEDURAL BACKGROUND

1. On 4 September 2024, the Pre-Trial Judge transmitted the case file to the Panel.¹

II. APPLICABLE LAW

2. The Panel notes Articles 21, 23, 39 and 40 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law) and Rules 24(1), 80, 82, 84(1), 96 and 116-119 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules).

III. ANALYSIS

3. Pursuant to Articles 21, 23 and 40(2) and (6) of the Law and Rules 116(1), (3), (4) and 117 of the Rules, the Panel can take any necessary measures to ensure the fair and expeditious preparation and conduct of the trial.²

4. The Panel also considers that, pursuant to Article 39 of the Law and Rules 95 and 98 of the Rules, it is primarily incumbent on the Pre-Trial Judge to prepare the case for trial.³ Therefore, unless otherwise decided by the Panel *proprio motu* or upon request

¹ KSC-BC-2023-10, F00468, Pre-Trial Judge, *Decision Transmitting the Case File to Trial Panel I*, 4 September 2024, public, with Annex 1, confidential, and Annex 2, public. See also F00466, President of the Specialist Chambers, *Decision Assigning Trial Panel I*, 3 September 2024 (notified on 4 September 2024), public; F00470, Trial Panel I, *Decision notifying the election of the Presiding Judge*, 5 September 2024, public.

² See KSC-BC-2020-04, F00289, Trial Panel I, [Decision setting the dates for trial preparation conferences and requesting submissions](#) (*Shala Trial Preparation Conferences Decision*), 30 September 2022, public, para. 6, with Annex 1, strictly confidential and *ex parte*.

³ See [Shala Trial Preparation Conferences Decision](#), para. 7.

by the Parties, the Panel does not intend to modify or decide anew on any matter already decided upon by the Pre-Trial Judge. Accordingly, the Pre-Trial Judge's rulings continue to apply before the Panel.⁴

A. COMMUNICATION WITH THE PANEL

5. The Panel recalls the principle of publicity of proceedings, as enshrined in Articles 21(2) and 40(4) of the Law, which extends beyond hearings in the courtroom to also cover filings and any other submissions in the case file. The Panel also recalls that a full and accurate record of the proceedings shall be maintained by the Registrar, as provided for in Rule 24(1) of the Rules.⁵

6. In light of the foregoing, the Panel reminds (i) the Parties to put any requests (including requests for extension of time and reclassification of filings), challenges, responses/replies and observations/information of any kind formally on record through filings and that (ii) only logistical issues are to be included by the Parties in emails to the Panel via the Court Management Unit.⁶

⁴ See KSC-BC-2023-10, F00033, Pre-Trial Judge, [Decision on Working Language](#), 13 October 2023, public; F00076, Pre-Trial Judge, [Framework Decision on Disclosure of Evidence and Related matters](#), 24 October 2023, confidential, with [Annex 1](#) (Framework for the Handling of Confidential Information during Investigations and Contact between a Party or Participant and Witnesses of the Opposing Party or of a Participant), public; a public redacted version of the decision was filed on the same day, [F00076/RED](#); KSC-BC-2023-11, F00019, Pre-Trial Judge, [Decision on Working Language](#), 14 December 2023, public; F00023, Pre-Trial Judge, [Framework Decision on Disclosure of Evidence and Related Matters](#), 19 December 2023, public, with [Annex 1](#) (Framework for the Handling of Confidential Information during Investigations and Contact between a Party or Participant and Witnesses of the Opposing Party or of a Participant), public.

⁵ In this context, the Panel notes that, pursuant to Article 24(3) of the Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers, "[t]he correspondence shall not be distributed to the Participants and shall only be accessible to the relevant Panel, Registrar and the addressee, as appropriate, through Legal Workflow" (KSC-BD-15, Registrar, [Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers](#), 17 May 2019, public, with [Annex](#), public).

⁶ See CRSPD74, [Email from Court Management to the Parties, transmitting on behalf of the Panel instructions as to communications with the Panel](#), 6 September 2024, at 11:50, confidential.

B. SCHEDULING OF HEARINGS AND SUBMISSIONS

7. The Panel stresses at the outset that the scheduling of hearings, including trial preparation conferences and trial hearings, is informed by the need to ensure fair and expeditious proceedings, the limited factual scope of the case, and the availability of the courtroom. In particular, the Panel underlines that it will endeavour to schedule hearings in a manner that takes full advantage of available courtroom time and, to this end, expects the full collaboration of the Parties and the Registry.

8. In this light, while the Panel has taken note of the responses of the Defence for Sabit Januzi (Mr Januzi and Januzi Defence), the Defence for Ismet Bahtijari (Mr Bahtijari and Bahtijari Defence), and the Defence for Haxhi Shala (Mr Shala and Shala Defence) (collectively, Accused and Defence) as to their availabilities for any hearings in 2024 and 2025 in the present case,⁷ the Defence's wishes may not be accommodated. As a result, the Panel directs the Defence to make all the necessary arrangements to ensure their availability on any scheduled forthcoming hearing, as communicated via email, including by having Co-Counsel appear in lieu of Counsel, if Counsel is unavailable.

9. With regard to hearings foreseen up until 20 December 2024, the Defence is to indicate by a filing in the record of the case to be submitted at the latest on **Friday, 4 October 2024, at 16:00 hours**, how they will organise in order to ensure availability at those hearings and who will be present at each of those hearings.

10. Furthermore, as regards the Shala Defence's submissions regarding the timing of trial hearings,⁸ the Panel underlines that the dates for 2024 and 2025 have been

⁷ The Defence's responses followed the communication of possible hearings dates in 2024 and 2025 (*see* CRSPD77, *Emails from Court Management to the Parties, transmitting on behalf of the Panel a list of dates for potential hearings in 2024 and 2025*, 6 September 2024, at 16:52, and 10 September 2024, at 13:31, confidential).

⁸ KSC-BC-2023-10, F00475, Shala Defence, *Haxhi Shala Motion regarding the Timing of Trial Hearings* (Shala Submissions), 13 September 2024, confidential.

communicated sufficiently in advance of any scheduling to ensure the availability of the Parties and are not a determination of the expected duration of the trial or sitting hours in this case. Moreover, the Panel underscores that further hearing dates may be added, if need be. In this case, the Defence would receive appropriate notice of such dates. As regards the Shala Defence's additional questions pertaining to courtroom availability (Shala Request Re Second Courtroom),⁹ the Panel is of the view that it is not the appropriate body to respond. Accordingly, the Shala Request Re Second Courtroom is dismissed.

11. In accordance with Rules 116-119 of the Rules and with a view to ensuring the expeditious preparation of the trial, the Panel considers it appropriate to convene trial preparation conferences on **Monday, 7 October 2024, from 09:30 to 17:30 hours; Tuesday, 8 October 2024, from 09:30 to 17:30 hours; Wednesday, 9 October 2024, from 09:30 to 17:30 hours; and, if necessary, Thursday, 10 October 2024, from 09:30 to 16:00 hours; and Friday, 11 October 2024, from 09:30 to 16:00 hours.** The Panel notes that although the Rules provide for different and successive preparation conferences (Rule 117: Trial Preparation Conference, Rule 118: Specialist Prosecutor's Preparation Conference and Rule 119: Defence Preparation Conference), Article 40(2) of the Law gives the Panel discretion to organise the proceedings as it deems fit to facilitate their fair and expeditious conduct. The Panel is of the view that, in the present circumstances, grouping the different preparation conferences together is the most appropriate and efficient way to proceed as it allows the Panel to gather all the submissions it needs for its directions on the conduct of the proceedings at once. If necessary, the Panel may thereafter hold further status conferences at the request of the Parties or *proprio motu*.¹⁰

⁹ Shala Submissions, para. 18(iii)-(iv).

¹⁰ See [Shala Trial Preparation Conferences Decision](#), para. 8.

12. In order to facilitate the preparation of the conferences and to ensure their efficient conduct, the Panel orders the Specialist Prosecutor's Office (SPO), the Defence, as well as the Registry / Witness Protection and Support Office (WPSO), to file written submissions on the below matters, as relevant to them, by **Tuesday, 1 October 2024, at 16:00 hours**. Should the Parties wish to raise further matters in addition to those mentioned by the Panel, they are invited to do so in their submissions. Similarly, if they wish the Panel to hold further status conferences before the commencement of the trial, they are instructed to raise this matter in their submissions, including also the topics they wish to discuss and the timing of the status conference(s).

1. Investigations and Disclosure of Evidence

13. The Parties are instructed to file written submissions on the following questions or topics:

- a. Confirmation by the SPO that its investigations and the disclosure of incriminating evidence in this case have been completed;¹¹
- b. Whether the SPO intends to disclose to the Defence further exculpatory evidence under Rule 103 of the Rules or further material or evidence under Rule 102(3) of the Rules and, if so, how many items and when; in addition, does the SPO intend to request protective measures for this material or evidence and, if so, when;¹²
- c. Whether the Defence has completed its investigations; if this is not the case, whether it anticipates carrying out (further) investigations and

¹¹ See KSC-BC-2023-10, F00249, Specialist Prosecutor, *Prosecution submissions regarding completion of investigations*, 12 April 2024, confidential, paras 7-8. A public redacted version of the submissions was filed on 3 May 2024, F00249/RED.

¹² KSC-BC-2023-10, F00260, Specialist Prosecutor, *Prosecution detailed notice of disclosure process*, 19 April 2024, public, par. 5.

approximately how much time it will need to finalise such investigative activities;

- d. Whether and when, at this stage, as a result of these investigative activities, the Defence can already anticipate disclosing evidence and amending its Pre-Trial Briefs and/or its Lists of Potential Witnesses; and
- e. Whether the Defence requires an *ex parte*, closed session, in order to address the Panel on matters related to its preparation for trial and, if so, what are the matters concerned.

2. Conduct of Proceedings

(i) Commencement of Trial and Opening Statements

14. The Parties are instructed to file written submissions on the following questions or topics:

- a. Submissions by the Parties as to the date of **11 November 2024** for the commencement of the trial;
- b. Whether the Accused object to the SPO reading a summary of the Indictment¹³ at the opening of the case, instead of the Indictment in its entirety,¹⁴ with a view to promoting efficiency;
- c. Whether the SPO intends to make an opening statement pursuant to Rule 126(1) of the Rules and, if so: (i) how much time will it require; and (ii) will visual aids or other tools be used;
- d. Whether, at this stage, the Defence can confirm whether it will make opening statements pursuant to Rule 126(2) of the Rules and, if so: (i) will

¹³ KSC-BC-2023-10, F00379, Specialist Prosecutor, *Prosecution submission of confirmed amended indictment*, 10 July 2024, public, with Annexes 1-2, confidential, and Annexes 3-4, public.

¹⁴ Rule 124(2) of the Rules.

such opening statement(s) be given directly after the opening statement of the SPO, if any, or after the closing of the SPO case and before the opening of the Defence cases; (ii) how much time will the Defence require; and (iii) will visual aids or other tools be used; and

- e. Whether, at this stage, the Defence can indicate whether the Accused intend to make unsworn statements pursuant to Rule 142(1) of the Rules and, if so, whether this will take place together with the Defence opening statements or at a later stage.

(ii) Familiarisation of Witnesses Prior to Testimony

15. The Panel intends to issue directions on witness familiarisation prior to testimony in due course. The Parties and the Registry / WPSO may make submissions on this matter, if they so wish, taking into account the Panel's previous practice.¹⁵

(iii) Presentation of (Witness) Evidence by the Parties

16. The Parties are instructed to file written submissions on the following questions or topics:

- a. Confirmation by the SPO that the SPO List of Witnesses and the requested time for direct examination of those witnesses,¹⁶ and the SPO List of Exhibits,¹⁷ are final;
- b. Confirmation by the Januzi Defence, the Bahtijari Defence, and the Shala Defence of their intention to present a case; whether the Januzi Defence

¹⁵ See KSC-BC-2020-04, F00435, Trial Panel I, [Decision on witness familiarisation](#), 24 February 2023, public.

¹⁶ KSC-BC-2023-10, F00164/A02, Specialist Prosecutor, *Annex 2 to Prosecution submission of Rule 109(c) chart and witness and exhibit lists and related request for Rule 102(1)(b) disclosure*, 9 February 2024, confidential.

¹⁷ KSC-BC-2023-10, F00374/A01, Specialist Prosecutor, *Annex 1 to Prosecution Submission of Amended Exhibit List*, 5 July 2024, confidential.

can indicate if its List of Potential Witnesses¹⁸ is final and what is the requested time for direct examination of the witnesses; and whether and when the Bahtijari Defence¹⁹ and the Shala Defence²⁰ can indicate the number of witnesses they intend to call, whether they intend to call expert witnesses and what is the requested time for direct examination of the witnesses;

- c. Taking into consideration Rule 104(3) of the Rules, whether the Januzi Defence and/or the Shala Defence intend to offer a defence of alibi;²¹ and
- d. Whether the Januzi Defence, the Bahtijari Defence, and the Shala Defence intend to request the admission of prior statements or transcripts in lieu of oral testimony under Rules 153-155 of the Rules and, if so, under which specific provision, in relation to which witnesses and how many items are concerned.

17. The Panel stresses that while it is, in principle, for each Party to determine the organisation and evidence presentation of its case, Rules 153 and 154 of the Rules are useful tools to expedite and streamline the proceedings and strongly encourages the

¹⁸ KSC-BC-2023-10, F00460, Januzi Defence, *Januzi Pre-Trial Brief*, 2 September 2024, strictly confidential, para. 66; F00298, Januzi Defence, *Application for a Witness Summons by Januzi*, 21 May 2024, strictly confidential.

¹⁹ The Panel notes that the Bahtijari Defence requested an extension of the time limit set by the Pre-Trial Judge pursuant to Rule 95(5) of the Rules to submit a list of potential witnesses it intends to call (*see infra* para. 22).

²⁰ The Panel notes that the Shala Defence indicated on 2 September 2024 that it was not yet in a position to identify witnesses (*see* KSC-BC-2023-10, F00457/A01, Shala Defence, *Annex 1 to Submission of Haxhi Shala Pre-Trial Brief - Haxhi Shala Pre-Trial Brief*, 2 September 2024, confidential, para. 3).

²¹ The Panel takes note that the Bahtijari Defence indicated that it does not intend to offer a defence of alibi (*see* KSC-BC-2023-10, F00456, Bahtijari Defence, *Bahtijari further updated pre-trial brief* (Bahtijari Pre-Trial-Brief), confidential, para. 55).

Parties to consider relying on said rules to the greatest extent possible.²² Moreover, mindful of its obligation under Article 40(2) of the Law to ensure that the trial is fair and expeditious and that the proceedings are conducted with full respect for the rights of the Accused, the Panel underlines its power to limit the number of witnesses later in the proceedings or concluding that estimates for certain witnesses need to be revised.²³

(iv) Order of Appearance and Issues Related to the Questioning of Witnesses

18. The Parties are instructed to file written submissions on the following questions or topics:

- a. Submissions by the SPO as regards the order in which it intends to call the witnesses included in the SPO List of Witnesses, the modalities of the witnesses' testimonies (live or video-link), and the possibility for a first witness to be heard during the week of 11-15 November 2024, following any opening statements by the Parties; and
- b. Whether, at this stage, each Defence can already indicate the order in which it intends to call the witnesses and the modalities of the witnesses' testimonies (live or video-link), without prejudice to any further changes to be communicated sufficiently in advance of presenting the Defence cases.

²² See similarly [Shala Trial Preparation Conferences Decision](#), Section C. 4. b, c, f. See also KSC-BC-2020-05, F00169, Trial Panel I, [Decision on the submission and the admissibility of evidence](#) (Mustafa Admissibility of Evidence Decision), 25 August 2021, public, para. 29.

²³ See similarly KSC-BC-2020-04, F00434/RED, Trial Panel I, [Public redacted version of Decision on the conduct of the proceedings](#), 24 February 2023, public, para. 24.

(v) Non-Oral Evidence

19. The Parties are instructed to file written submissions on the following questions or topics:

- a. Confirmation that the Defence intends to object to the admissibility of non-oral evidence disclosed under Rule 102 of the Rules²⁴ and what is the nature of the objections; and
- b. Submissions by the Parties, taking into account the Panel's previous practice²⁵ and the limited amount of evidentiary material in the present case, as to whether the admissibility of non-oral evidence should be decided at the time of its submission at trial or whether it can be deferred to the judgment, after giving the Parties an opportunity to make submissions, if they wish to do so, on the admissibility of any such items.

(vi) Witnesses Security and Protection

20. The Panel notes the decisions issued by the Pre-Trial Judge on protective measures.²⁶ In this context, the Panel finds it appropriate to instruct the SPO and the

²⁴ KSC-BC-2023-10, F00287, Shala Defence, *Request for a Finding of Inadmissibility of Items Disclosed Under Rule 102 of the Rules*, 13 May 2024, confidential; a public redacted version of the request was made available on 3 July 2024, F00287/RED; F00295, Specialist Prosecutor, *Prosecution Response to F00287*, 17 May 2024, public; F00303, Shala Defence, *Reply to Prosecution Response to F00287*, 25 May 2024, public; F00270, Januzi Defence, *Reply to Prosecution Filing F00266*, 29 April 2024, confidential, para. 2; F00285, Januzi Defence, *Update re Objections to Evidence and Disclosure*, 13 May 2024, strictly confidential, para. 1; Bahtijari Pre-Trial-Brief, para. 49.

²⁵ See KSC-BC-2020-04, F00461, Trial Panel I, [Decision on the submission and admissibility of non-oral evidence](#), 17 March 2023, public; [Mustafa Admissibility of Evidence Decision](#).

²⁶ See KSC-BC-2023-10, F00087, Pre-Trial Judge, *Decision on Prosecution Notice Concerning Protective Measures and Related Request*, 2 November 2023, strictly confidential and *ex parte*; a confidential redacted version of the decision was filed on the same day, F00087/CONF/RED; F00131, Pre-Trial Judge, *Decision on Prosecution Request for Protective Measures for Rule 102(1)(b) Material*, 13 December 2023, confidential; KSC-BC-2023-11, F00029, Pre-Trial Judge, *Decision on Prosecution Request for Protective Measures and Related Request*, 11 January 2024, strictly confidential and *ex parte*; a confidential redacted version of the decision was filed on the same day, F00029/CONF/RED.

WPSO to file written submissions in order to provide up-to-date information concerning the security of SPO witnesses and related matters, if they deemed it necessary. The Panel informs that it does not intend to hold an *ex parte*, closed session with the SPO and the WPSO, unless this is expressly requested by the SPO and/or the WPSO.

C. MODALITIES OF PARTICIPATION TO STATUS CONFERENCES

21. The Panel recalls that, pursuant to Article 40(6)(a) of the Law, it can exercise any functions or powers of the Pre-Trial Judge as referred to in Article 39 of the Law, including taking necessary measures for the expeditious preparation of the trial, such as holding status conferences with the modalities of participation set out in Rule 96 of the Rules.²⁷ Accordingly, while the Accused and their respective Counsels have the right to be present in person, pursuant to Rule 96(2) of the Rules, the status conferences: (i) may be attended by the Accused with Counsels participating via video-conference; (ii) may be attended by Counsels, with the Accused participating via video-conference; or (iii) may take place in the Accused's absence, with Counsels present or participating via video-conference. These arrangements, however, necessitate the written consent of the Accused, after receiving advice from their respective Counsels, in accordance with Rule 96(2) of the Rules, and in line with the practice adopted during the pre-trial stage of the proceedings.²⁸ Moreover, should the Accused or Counsel wish to attend any of the upcoming status conferences in this case via video-conference, Counsel shall comply with the requirements of Rule 96(2) of the Rules and the Registry Practice Direction on Video Links (KSC-BD-23/COR),

²⁷ See also [Shala Trial Preparation Conferences Decision](#), para. 12.

²⁸ See for instance KSC-BC-2023-10, F00022, Pre-Trial Judge, *Order Setting the Date for the First Status Conference and for Submissions*, 9 October 2023, public, paras 23-24, with Annex 1, public; F00017, Pre-Trial Judge, *Order Setting the Date for the First Status Conference and for Submissions*, 13 December 2023, public, paras 11-13, with Annex 1, public.

sufficiently in advance for the Registrar to take the appropriate steps, including to inform the Panel.

D. BAHTIJARI DEFENCE EXTENSION OF TIME REQUEST

22. The Panel notes the request of the Bahtijari Defence in which it seeks an extension of the time limit set by the Pre-Trial Judge pursuant to Rule 95(5) of the Rules to submit a list of potential witnesses it intends to call (Bahtijari Request).²⁹ The Panel recalls at the outset that the case file has been transmitted to the Panel and, in accordance with Rule 119 of the Rules, the Defence may amend or file a list of potential witnesses during the trial phase of the proceedings. The Panel further recalls its order instructing the Bahtijari Defence to provide written submissions on its list of witnesses.³⁰ In this light, the Panel finds it appropriate to grant the Bahtijari Request.

IV. RECLASSIFICATION ORDER AND DIRECTIONS

23. In light of the forthcoming scheduled trial preparation conferences, the Panel will exercise its duty under Rule 84(1) of the Rules to review the classification of certain filings in the case file in order to adhere to the principle of publicity of proceedings, as recalled above.³¹

24. In doing so, the Panel will have regard to, on the one hand, the principle of publicity and, on the other hand, its duty to provide for the protection of witnesses and victims, and confidential information, in accordance with Article 23(1) of the Law and Rule 80(1) of the Rules.

²⁹ KSC-BC-2023-10, F00461, Bahtijari Defence, *Bahtijari extension of time for witness list*, 2 September 2024, confidential.

³⁰ *See supra* para. 16(b).

³¹ *See supra* para. 5.

25. To assist the Panel in the performance of its duty under Rule 84(1) of the Rules, the Defence is instructed to file public redacted versions of the filings listed below. The Panel refers in this context to the Pre-Trial Judge's instructions as regards specific protected and confidential information in certain filings³² and directs the Defence to ensure that any such confidential and/or protected information, including information identifying the names and identifying details of witnesses and third parties, information implicating the privacy of the Accused, and information regarding investigative means and methods, is strictly redacted.

26. Accordingly, the Januzi Defence is instructed to file public redacted versions of the following filings:

- F00270, strictly confidential;
- F00285, strictly confidential;
- F00298, strictly confidential; and
- F00460, strictly confidential.

27. The Bahtijari Defence is also instructed to file a public redacted version of the following filing:

- F00456, confidential.

28. Moreover, the Bahtijari Defence is instructed to indicate whether filing bearing number F00461 can be reclassified as public. Should the Bahtijari Defence wish to retain the current classification of said filing, it shall: (i) specify the reasons for maintaining the current classification, in accordance with Rule 82(3) of the Rules, and indicate whether and when such classification may be changed; and/or (ii) submit a public redacted version thereof.

³² See KSC-BC-2023-10, F00354, Pre-Trial Judge, *Decision on Registrar Request for Application of Redactions, Reclassification or Filing, and Related Matters*, 28 June 2023, confidential, paras 18(a), 19(c); F00467, Pre-Trial Judge, *Order on Reclassification of Filings, Submissions of Public Redacted Versions of Filings and Further Reclassification Matters*, 4 July 2024, public, paras 33, 36, 38, 48, 50, 55.

29. The Shala Defence is further instructed to file public redacted versions of the following filings:

- F00457/A01 and F00457/A02, confidential.

30. Furthermore, the Registrar is instructed to reclassify as public filing bearing number F00475.

31. Lastly, the Panel recalls that, as provided for in Rule 82(3) of the Rules, when making a filing classified confidential or strictly confidential, the filing entity, i.e. the Parties or the Registry, as the case may be: (i) shall state the reasons for such classification; and (ii) shall also indicate when it does not object to the reclassification of the filing. The Panel further directs the Parties and the Registry to file public and/or confidential redacted versions, as the case may be, preferably and to the extent possible, at the same time as the original filing, or otherwise within three (3) days after the original filing was made. Where the basis for the original classification no longer exists, the filing entity shall request reclassification, as provided for in Rule 82(5) of the Rules.

V. DISPOSITION

32. For the above-mentioned reasons, the Panel hereby:

- a. **DECIDES** to convene trial preparation conferences, in public session, in the presence of the SPO, the Defence, and the Registry on **Monday, 7 October 2024, from 09:30 to 17:30 hours; Tuesday, 8 October 2024, from 09:30 to 17:30 hours; Wednesday, 9 October 2024, from 09:30 to 17:30 hours; and, if necessary, Thursday, 10 October 2024, from 09:30 to 16:00 hours; and Friday, 11 October 2024, from 09:30 to 16:00 hours;**

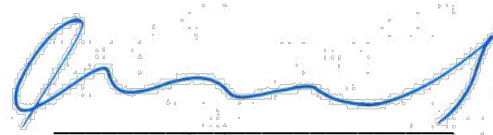
- b. **ORDERS** the Defence to file the information requested in paragraph 9 of the present decision by **Friday 4 October 2024, at 16:00 hours** at the latest;
- c. **ORDERS** the SPO, the Defence, and the Registry / WPSO, to file written submissions as specified in paragraphs 12-20 of the present decision by **Tuesday, 1 October 2024, at 16:00 hours** at the latest;
- d. **DISMISSES** the Shala Request Re Second Courtroom referred to in paragraph 10 of the present decision;
- e. **GRANTS** the Bahtijari Request;
- f. **ORDERS** the Defence to file public redacted versions of the filings listed in paragraphs 26, 27 and 29 of the present decision, by **Friday 4 October 2024, at 16:00 hours** at the latest;
- g. **ORDERS** the Bahtijari Defence to indicate, by **Friday 4 October 2024, at 16:00 hours** at the latest, whether filing bearing number F00461 can be reclassified as public or to submit its reasons for maintaining the classification thereof, and/or to submit, by **Friday 4 October 2024, at 16:00 hours** at the latest, a public redacted version thereof;
- h. **ORDERS** the Registrar to reclassify as public filing bearing number F00475, within **two days** of the notification of the present decision; and
- i. **ORDERS** the Parties and the Registry to file public and/or confidential redacted versions, as the case may be, preferably and to the extent possible, at the same time as the original filing, or otherwise within three (3) days after the original filing was made, as set out in paragraph 31 of the present decision.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Tuesday, 24 September 2024

At The Hague, the Netherlands.