



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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: 29 January 2025

Language: English

Classification: **Public**

Public redacted version of

Decision on Victims' Participation, Scheduling a Hearing on Plea Agreements and related matters

To be notified to:

Specialist Prosecutor
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Head of Victims' Participation Office

Counsel for Ismet Bahtijari
Felicity Gerry

Counsel for Haxhi Shala
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TRIAL PANEL I (Panel) hereby renders this decision on victims' participation, scheduling a hearing on plea agreements and related matters.

I. PROCEDURAL BACKGROUND

1. On 13 November 2024, the Specialist Prosecutor's Office (SPO) informed the Panel that it entered into plea agreements with Haxhi Shala (Mr Shala), Sabit Januzi (Mr Januzi) and Ismet Bahtijari (Mr Bahtijari) (collectively, Accused) and disclosed said agreements to the Panel.¹

2. On 6 December 2024, pursuant to a decision by the Panel,² the SPO filed: (i) revised versions of each plea agreement; (ii) submissions on said agreements and sentencing; and (iii) a revised indictment.³ On the same day, the Defence for Mr Shala (Shala Defence),⁴ the Defence for Mr Januzi (Januzi Defence)⁵ and the Defence for Mr Bahtijari (Bahtijari Defence)⁶ filed their respective submissions addressing matters related to sentencing and presenting relevant information and/or evidence.

¹ KSC-BC-2023-10, F00596, Specialist Prosecutor, *URGENT Prosecution notification of plea agreements*, 13 November 2024, confidential, para. 1, with Annexes 1-3, confidential. Corrected versions of the cover filing (Plea Agreements Submissions) and the annexes were filed on 14 November 2024, F00596/COR, F00596/COR/A01, F00596/COR/A02, F00596/COR/A03.

² KSC-BC-2023-10, F00612, Trial Panel I, *Decision on Matters Related to Plea Proceedings*, 29 November 2024, confidential, paras 20-23, 27, 34(a)-(c) with Annex 1, confidential and *ex parte*. A public redacted version was issued on 22 January 2025, F00612/RED.

³ KSC-BC-2023-10, F00618, Specialist Prosecutor, *URGENT Prosecution submissions on plea agreements and sentencing*, 6 December 2024, confidential, with Annexes 1-2, public and Annex 3, confidential; F00619, Specialist Prosecutor, *URGENT Submission of revised Indictment with confidential Annex 1*, 6 December 2024, confidential, with Annex 1, confidential.

⁴ KSC-BC-2023-10, F00616, Shala Defence, *Written Submissions on Sentencing*, 6 December 2024, confidential, with Annexes 1-4, confidential.

⁵ KSC-BC-2023-10, F00617, Januzi Defence, *Januzi Submissions re Sentence pursuant to Plea Agreement*, 6 December 2024, confidential.

⁶ KSC-BC-2023-10, F00620, Bahtijari Defence, *BAHTIJARI Submissions on Sentencing*, 6 December 2024, confidential, with Annexes 1-3, confidential. A corrected version was filed on 11 December 2024, F00620/COR.

3. On 16 December 2024, the SPO informed the Panel that it entered into a new plea agreement with Mr Bahtijari and disclosed said agreement to the Panel.⁷
4. On 17 December 2024, the SPO filed a further revised indictment (17 December 2024 Indictment).⁸
5. On 18 and 19 December 2024, the Panel held hearings on the plea agreements (Plea Agreements and Plea Hearings).⁹
6. On 20 January 2025, pursuant to an oral order by the Panel (18 December 2024 Oral Order),¹⁰ the Victims' Participation Office (VPO) filed a report on a victim's application for participation, thereby transmitting the application of one individual (Applicant and Application) as well as a summary of the application (Application Summary) and providing a recommendation on admissibility, common representation and protective measures (VPO Report).¹¹
7. On 24 and 27 January 2025, the SPO,¹² the Bahtijari Defence,¹³ the Januzi Defence¹⁴ and the Shala Defence¹⁵ (collectively, Defence) filed their respective responses to the VPO Report.

⁷ KSC-BC-2023-10, F00628, Specialist Prosecutor, *URGENT Joint submission of Plea Agreement*, 16 December 2024, confidential, with Annex 1, public.

⁸ KSC-BC-2023-10, F00630, Specialist Prosecutor, *Submission of Further Revised Indictment*, 17 December 2024, confidential, with Annex 1, confidential.

⁹ KSC-BC-2023-10, Transcript of Hearing, 18 December 2024, confidential, pp. 378-532; Transcript of Hearing, 19 December 2024, confidential, pp. 533-604.

¹⁰ KSC-BC-2023-10, Transcript of 18 December 2024, public, pp. 398-399.

¹¹ KSC-BC-2023-10, F00647, Registrar, *Registry Report on Victims' Applications for Participation in the Proceedings*, 20 January 2025, confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*. A confidential and *ex parte* redacted version was filed on the same day, F00647/CONF/RED. On the same day, pursuant to the Panel's order, the *ex parte* marking was lifted.

¹² KSC-BC-2023-10, F00662, Specialist Prosecutor, *Prosecution response to the report on victims' applications* (SPO Response), 27 January 2025, confidential.

¹³ KSC-BC-2023-10, F00658, Bahtijari Defence, *BAHTIJARI RESPONSE TO REPARATION REQUEST* (Bahtijari Response), 24 January 2025, confidential.

¹⁴ KSC-BC-2023-10, F00661, Januzi Defence, *Januzi Response to F00647/CONF/RED* (Januzi Response), 27 January 2025, confidential.

¹⁵ KSC-BC-2023-10, F00663, Shala Defence, *Haxhi Shala Response to Registry Report on Victims' Applications for Participation in Proceedings* (Shala Response), 27 January 2025, confidential.

II. SUBMISSIONS

A. VPO

8. The VPO assesses the application to be complete and admissible and recommends to the Panel to admit the Applicant as participating victim in the proceedings.¹⁶ However, the VPO notes that its recommendation does not take into account possible changes to the offences charged or to the factual basis as a result of the Plea Agreements, if approved by the Panel.¹⁷

9. The VPO further submits that the Applicant did not indicate any preference with regard to legal representation.¹⁸

10. Lastly, the VPO proposes that the Applicant be granted the protective measures of non-disclosure of any identifying information towards the public and considers such measures to be strictly necessary, appropriate and proportionate at this stage of the proceedings.¹⁹ The VPO submits in this regard that it has assigned the pseudonym “Victim-01/10” to the Applicant.²⁰

B. SPO

11. The SPO submits that, based on the information available, it has no objection to the application and interpretation of relevant criteria regarding admissibility, common representation and protective measures, as contained in the VPO Report.²¹ However, the SPO argues that any further briefing or proceedings related to the Applicant’s participation, including in relation to potential reparations, should be

¹⁶ VPO Report, paras 1, 16, 22-29.

¹⁷ VPO Report, para. 31.

¹⁸ VPO Report, para. 33.

¹⁹ VPO Report, paras 34-39.

²⁰ VPO Report, para. 38.

²¹ SPO Response, para. 3.

conducted separately and concurrently to the ongoing criminal proceedings, consistent with the past practice of the Kosovo Specialist Chambers (SC).²²

C. SHALA DEFENCE

12. The Shala Defence contends that the offences alleged in the 17 December 2024 are such that no natural person could suffer harm as a direct result of them and, in fact, by their very nature, cannot have a victim.²³ As regards Count 1 of the 17 December 2024 Indictment, the Shala Defence submits that there is no natural person who could personally suffer harm as a direct result of Mr Shala's actions under Count 1 and no "physical, mental or material harm" exists to which reparations would be applicable.²⁴ As regards Count 2, the Shala Defence submits that the promise of a gift or any other form of benefit to induce another person to refrain from various actions, by its very nature, could not cause direct harm to any natural person.²⁵ On this basis, the Shala Defence requests the Panel to reject the Application.²⁶

13. The Shala Defence further submits that, contrary to the SPO's submissions during the Plea Hearings, the facts as agreed between the SPO and the Accused in the Plea Agreements do not imply that anyone could suffer harm and, therefore, any claim that there has been direct harm to any natural person would be inconsistent with the terms of said agreements.²⁷

14. Finally, the Shala Defence submits that: (i) the VPO Report, as it was notified to the Defence, does not reveal the identity of the Applicant nor does it provide an explanation for the basis of the claim that he or she suffered mental harm; and (ii) the issuance of a reparations order without prior disclosure to the Defence of the identity

²² SPO Response, para. 4.

²³ Shala Response, paras 14, 21.

²⁴ Shala Response, paras 15-17.

²⁵ Shala Response, paras 18-20.

²⁶ Shala Response, para. 21.

²⁷ Shala Response, para. 22.

of the victim and the full justification of their claim would not be in the interests of justice.²⁸

D. JANUZI DEFENCE

15. The Januzi Defence submits that any application for participating as a victim in the proceedings is out of time, pursuant to Rule 113 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (Rules), and therefore inadmissible.²⁹ The Januzi Defence further argues that the VPO Report does not support the proposition that the Applicant has provided *prima facie* evidence of the harm suffered “as a direct result of a crime in the indictment”, within the meaning of Rule 113(4) of the Rules, considering that pursuant to the Plea Agreements, the allegations contained in the indictment dated 10 July 2024 (10 July 2024 Indictment) were confined so as to not involve any allegation of threat.³⁰ Furthermore, the Januzi Defence submits that the VPO Report does not provide sufficient information as to allow the Defence to make submissions on legal grounds regarding the admissibility, as provided for in Rule 113(3) of the Rules, considering that: (i) the identity of the Applicant is not disclosed; (ii) no details are given as to the alleged causation between the events and the harm; and (iii) no documentation as proof of harm is provided.³¹ Lastly, the Januzi Defence submits that any outstanding issue as to victim status and reparations should not delay the pronouncement of a sentence.³²

E. BAHTIJARI DEFENCE

16. The Bahtijari Defence requests that no order for reparations is made against Mr Bahtijari on the basis of the following: (i) although it is accepted that the Applicant has felt distressed, the description provided as to the harm suffered is not sufficient to

²⁸ Shala Response, para. 23.

²⁹ Januzi Response, paras 4-16.

³⁰ Januzi Response, paras 17-21.

³¹ Januzi Response, paras 22-24.

³² Januzi Response, paras 25-30.

establish the existence of harm within the meaning of Article 22 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law); (ii) considering that Mr Bahtijari acted under direction, any effects need not be laid at his door; (iii) it seems unlikely that any harm would have been caused to the Applicant by Mr Bahtijari [REDACTED]; (iv) it would be inappropriate to make any order for reparations against Mr Bahtijari, who is indigent and unlikely to be able to return to work given his health issues; and (v) an order for reparations would likely create a burden on Mr Bahtijari's family who should not be punished for his situation.³³

III. APPLICABLE LAW

17. The Panel notes Articles 22, 40(2) and (4) of the Law and Rules 80, 82, 94 and 113 of the Rules.

IV. ANALYSIS

A. PRELIMINARY MATTERS

18. As regards the Shala Defence's submission that the offences alleged in the 17 December 2024 Indictment are such that no natural person could suffer harm as a direct result of them and that, in fact, by their very nature, cannot have a victim,³⁴ the Panel notes that Article 22(1) of the Law – which sets out the definition of a victim before the SC – refers to harm suffered as direct result of “[...] a crime within the jurisdiction of the Specialist Chambers”. The Panel recalls in this regard that the offences contained in the 17 December 2024 Indictment and the Plea Agreements fall, pursuant to Article 15(2) of the Law, under the jurisdiction of the SC. The Panel, thus,

³³ Bahtijari Response, para. 7.

³⁴ See *supra* para. 12.

finds that Article 22(1) of the Law does not exclude *per se* offences under Article 15(2) of the Law. Therefore, contrary to the Shala Defence's submission,³⁵ the Panel considers that natural persons can be victims in the context of offences under Article 15(2) of the Law, provided that they meet the definition in Article 22(1) of the Law.

19. As regards the Januzi Defence's submission referring to Rule 113(1) of the Rules concerning the timing of the Application,³⁶ the Panel recalls that the Application was submitted on 20 January 2025, in compliance with the 18 December 2024 Oral Order, and that the Plea Agreements have yet to be approved. In addition, the Panel is of the view that, considering that only one application was submitted, no prejudice is caused to the Accused as result of the timing of the submission of said application.

20. As regards the Shala Defence's and the Januzi Defence's submissions as to the non-disclosure of the identity of the Applicant,³⁷ the Panel notes that, in accordance with Rule 113(2) of the Rules, identifying information of the Applicant is not disclosed to the Parties at this stage of the process.³⁸ The Panel is further satisfied that the Defence had access to sufficient information for the purpose of making submissions on the legal grounds regarding admissibility pursuant to Rule 113(3) of the Rules.

21. In light of the above, the Panel will consider the Application and assess whether it is complete and whether the Applicant has provided *prima facie* evidence of the harm suffered as a direct result of an offence, as set out in the 17 December 2024 Indictment and the Plea Agreements, as mandated under Rule 113(4) of the Rules. In doing so,

³⁵ See *supra* para. 12.

³⁶ See *supra* para. 15.

³⁷ See *supra* paras 14-15.

³⁸ See also KSC-BC-2020-06, IA023/F00006, Court of Appeals, *Decision on Veseli's Appeal Against "Third Decision on Victims' Participations"*, 15 September 2022, public, para. 27. A corrected version was filed on the same day, IA023/F00006/COR.

the Panel will apply the assessment criteria as set out by the Pre-Trial Judge in case KSC-BC-2020-04 (Case 04 Framework Decision).³⁹

B. ASSESSMENT OF APPLICATION

1. Completeness of Application

22. Having assessed the Application and supporting documentation against the requirements set out in the Case 04 Framework Decision,⁴⁰ the Panel is satisfied that the Application is complete.

2. Admissibility of Application

23. *Natural person.* The Panel is satisfied that the Applicant has provided adequate proof of identity and is a natural person.⁴¹

24. *Alleged Offences.* The Applicant alleges that he is victim of the offence of “intimidation”.⁴² The Applicant also alleges that, [REDACTED].⁴³ He further alleges [REDACTED].⁴⁴

25. The Panel is satisfied that the Applicant is a direct victim of the offences as set out in the 17 December 2024 Indictment and the Plea Agreements as the events the Applicant refers to in the Application fall within the material, geographical and

³⁹ KSC-BC-2020-04, F00064, Pre-Trial Judge, *Framework Decision on Victims’ Applications*, 1 September 2021, public, paras 24, 34-45. See also KSC-BC-2020-04, F00123/RED, Pre-Trial Judge, *Public redacted version of First Decision on Victims’ Participation* (Case 04 First Decision on Victims’ Participation), 15 December 2021, public, paras 23, 25.

⁴⁰ See Case 04 Framework Decision, para. 24.

⁴¹ VPO Report, para. 22; Application Summary, p. 2.

⁴² Application, p. 2.

⁴³ VPO Report, para. 23; Application Summary, p. 2; Application, p. 2.

⁴⁴ VPO Report, para. 23; Application Summary, p. 2; Application, p. 2.

temporal parameters of the charges, as specified in the 17 December 2024 Indictment and the Plea Agreements.⁴⁵

26. *Harm.* The Applicant alleges that, [REDACTED], he has been suffering from mental harm, *i.e.* anxiety, amongst other.⁴⁶

27. At the outset, the Panel stresses that it will not consider factual allegations related to the “serious threat” contained in the 10 July 2024 Indictment, as such allegations fall outside the scope of the 17 December 2024 Indictment and the Plea Agreements.⁴⁷ The Panel also finds that the fact that the Parties did not agree on the occurrence of harm to a victim does not limit the Panel’s ability to make such a finding on the basis of the agreed factual basis in the Plea Agreements and the submissions of the Applicant.

28. In this regard, the Panel pays heed to the fact that the Applicant [REDACTED]. The Panel further takes note of the fact that the alleged offences took place against the backdrop of a persisting climate of witness intimidation in Kosovo against witnesses or potential witnesses of the SC, their families and, more broadly, against those who provide evidence in investigations or prosecutions of crimes allegedly committed by former KLA members, as repeatedly underlined by various panels of the SC.⁴⁸ Bearing this in mind, the Panel considers that the anxiety alleged by the Applicant is a natural consequence of the Accused’s actions, as a whole, [REDACTED], as delineated in the 17 December 2024 Indictment and the Plea Agreements.

⁴⁵ See in this respect KSC-BC-2020-06, IA005/F00008, Court of Appeals, *Decision on Appeal Against “First Decision on Victims’ Participation”*, 16 July 2021, public, paras 16-17; Case 04 First Decision on Victims’ Participation, para. 27.

⁴⁶ VPO Report, para. 27; Application, p. 2.

⁴⁷ See *supra* paras 13, 15.

⁴⁸ See, amongst others, KSC-BC-2020-04, F00847/RED, Trial Panel I, *Public redacted version of Trial Judgment and Sentence*, 16 July 2024, public, paras 96-97, with Annex 1, confidential; KSC-BC-2020-05, F00494/RED3/COR, Trial Panel I, *Further redacted version of Corrected version of Public redacted version of Trial Judgment*, 16 December 2022, public, paras 50-57; KSC-BC-2020-07, F00611/RED, Trial Panel II, *Public Redacted Version of the Trial Judgment*, 18 May 2022, public, paras 576-579.

29. The Panel further notes that, while documentation regarding harm has not been submitted by the Applicant,⁴⁹ the latter's description of the mental harm suffered is sufficient to allow the Panel to make a finding on the matter.⁵⁰ In this regard, the Panel stresses that the submission of documentation as proof of mental harm does not constitute a *sine qua non* for the admissibility of an application to participate as a victim in proceedings.⁵¹ Furthermore, in accordance with Article 22(7) of the Law, "[t]he concept of harm captures "any damage, loss and injury" (emphasis added),⁵² therefore not requiring any particular threshold to qualify as such.

30. Considering the above, the Panel is satisfied that the Applicant personally suffered mental harm in the form of anxiety.

31. *Conclusion.* In light of the above, the Panel finds that there is *prima facie* evidence that the Applicant has personally suffered mental harm, in the form of anxiety, as a direct result of the offences as set out in the 17 December 2024 Indictment and the Plea Agreements and admits the Applicant as participating victim in the proceedings.

3. Protective Measures

32. The VPO recommends that the Applicant be granted non-disclosure of any identifying information to the public.⁵³

33. At the outset, the Panel notes that, as indicated in the Case 04 Framework Decision, the legal test applicable for protective measures in relation to victims is the same as that applicable in relation to witnesses and, as such, incorporates the latter by way of reference.⁵⁴

⁴⁹ See *supra* para. 15; VPO Report, fn. 14.

⁵⁰ See Case 04 Framework Decision, para. 42.

⁵¹ In this regard, see Case 04 Framework Decision, paras 30(e)(ii)(d), 42.

⁵² See KSC-BC-2020-05, F00517/RED/COR, Trial Panel I, *Corrected version of Public redacted version of Reparation Order against Salih Mustafa* (Mustafa Reparation Order), 14 April 2023 (date of original version, 6 April 2023), para. 89, public, with Annexes 1-4, strictly confidential and *ex parte*.

⁵³ VPO Report, paras 37-38.

⁵⁴ See Case 04 Framework Decision, para. 54; Case 04 First Decision on Victims' Participation, para. 36; Rule 80(1) of the Rules.

34. In assessing the existence of an objectively justifiable risk and the necessity of protective measures for the Applicant, the Panel takes into account the following factors: (i) the Applicant alleges that he suffers from mental harm as a result of the Accused's actions; (ii) the Applicant has expressed the wish that his identity is not revealed to the public; and (iii) as mentioned above, a general climate of witness and victim intimidation prevails in Kosovo, particularly in criminal proceedings against former members of the KLA.⁵⁵ Moreover, the Panel is also mindful that adequate protective measures for a victim are often the legal means by which their participation in the proceedings can be secured and such measures are a necessary step in order to safeguard their safety, physical and psychological well-being, dignity and privacy in accordance with Rule 80 of the Rules.⁵⁶

35. For these reasons, the Panel considers that disclosure to the public of any material or information leading to the identification of the Applicant poses an objectively justifiable risk to him.

36. Accordingly, the Panel finds that the following measures are appropriate and necessary at this stage of the proceedings: (i) redacting the Applicant's name and identifying information from the SC's public records (Rule 80(4)(a)(i) of the Rules); (ii) non-disclosure to the public of any records identifying the Applicant (Rule 80(4)(a)(ii) of the Rules); and (iii) the assignment of a pseudonym (Rule 80(4)(a)(vi) of the Rules).⁵⁷

37. The Panel, finally, finds that no prejudice is caused to the Accused by the application of the aforementioned measures and that said measures are, therefore, proportionate to the objective sought.

⁵⁵ [REDACTED].

⁵⁶ See Case 04 First Decision on Victims' Participation, para. 37; Similarly ICC, *Prosecutor v. Lubanga*, ICC-01/04-01/06-1119, Trial Chamber I, [Decision on Victims' Participation](#), 18 January 2008, para. 128.

⁵⁷ The Panel notes that the VPO has already assigned a pseudonym to the Applicant.

C. PARTICIPATION IN THE PROCEEDINGS AND REPARATIONS

38. While the Applicant is admitted as a victim in this case, the Panel considers that the advanced stage of the proceedings, where plea hearings have already taken place, and the need to ensure the expeditious resolution of said proceedings, do not allow for the full participation of the victim through the assignment of a Victims' Counsel. Moreover, the Panel considers the mental harm, in the form of anxiety, suffered by the victim to be limited in scope and, as such, it does not require submissions by a Victims' Counsel for the purpose of reparations, including the submission of documentation for proof of the harm. For these reasons, the Panel finds that the appointment of a Victims' Counsel is not warranted in the present proceedings.

39. Nevertheless, taking into consideration the mental harm suffered by the victim, the Panel will proceed *proprio motu*, as it is allowed to do so in exceptional circumstances under Article 22(7) of the Law, in order to decide on reparations, however symbolic, which should be awarded to the victim in this case.

40. To this end, and pursuant to Rule 94(2)(c) and (6) of the Rules, the Parties are requested to file revised versions of their respective Plea Agreements with proposals for reparations to be awarded to the victim in this case by no later than **Monday, 3 February 2025, at 16:00**.⁵⁸

41. In this respect, the Panel finds it appropriate to disclose to the Parties the identity of the victim as well as the information he provided relating to (i) the harm suffered;

⁵⁸ With regard to the Bahtijari Defence's argument that Mr Bahtijari should not be ordered to pay reparations on the basis that: (i) he acted under the direction of Mr Shala; (ii) [REDACTED]; (iii) he is indigent and unlikely to be able to return to work; and (v) an order for reparations would likely be burdensome to his family, the Panel recalls that "the indigence of an accused is neither an obstacle to the imposition of liability for reparations, nor does it give the convicted person any right to benefit from reduced liability" and that "the question of whether other individuals may also have contributed to the harm resulting from the crimes for which the person has been convicted is irrelevant to the convicted person's liability to repair that harm"; see Mustafa Reparation Order, paras 116 and 117; see also ICC, *Prosecutor v Katanga*, ICC-01/04-01/07-3778-Red, Appeals Chamber, *Public redacted Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled "Order for Reparations pursuant to Article 75 of the Statute"*, 8 March 2018, public, para. 178.

and (ii) the events as a result of which he became a victim.⁵⁹ Accordingly, the Panel instructs the VPO to either request the reclassification of the unredacted version of the VPO Report (F00647), or file a lesser redacted version thereof, as the case may be, ensuring that the information mentioned above is available to the Parties, by **Thursday, 30 January 2025, at 11:00.**

42. The VPO is also instructed to inform the victim of the present decision and, more generally, of the development of the proceedings unfolding before this Panel.

V. SCHEDULING OF A HEARING

43. The Panel decides to convene a public hearing on **Tuesday, 4 February 2025, at 14:30**, for the purpose of ruling on the Plea Agreements.

44. Considering the nature of the upcoming hearing, the Panel decides, pursuant to Article 40(2) of the Law, to hold said hearing in the presence of the Accused.⁶⁰

VI. DISPOSITION

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

- a. **GRANTS** the Application and admits the Applicant as victim participating in the proceedings;
- b. **ORDERS** the protective measures for the Applicant specified in paragraph 36 above;
- c. **INSTRUCTS** the VPO to either request the reclassification of the unredacted version of the VPO Report (F00647) or file a lesser redacted

⁵⁹ In this regard, the Panel pays heed to the fact that the Applicant does not object to his identity [REDACTED] being revealed to the Defence and the Accused; *see* VPO Report, para. 34 and Application, p. 3.

⁶⁰ *See* KSC-BC-2023-10, Trial Panel I, *Decision on the conduct of the proceedings*, 11 November 2024, public, para. 15.

version thereof, as the case may be, by **Thursday, 30 January 2025, at 11:00**, as instructed in paragraph 41;

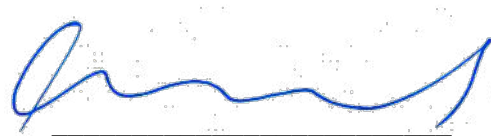
- d. **REQUESTS** the Parties to file revised versions of their respective Plea Agreements with proposals for reparations to be awarded to the victim in this case **by no later than Monday, 3 February 2025, at 16:00**;
- e. **INSTRUCTS** the VPO to inform the victim of the present decision and, more generally, of the development of the proceedings unfolding before this Panel; and
- f. **DECIDES** to convene a hearing in the presence of the Accused for the purpose of ruling on the Plea Agreements on **Tuesday, 4 February 2025, at 14:30**, as provided in paragraph 44.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Wednesday, 29 January 2025

At The Hague, the Netherlands.