



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: 18 February 2025

Language: English

Classification: **Public**

Order for submissions on the reclassification of filings and/or submission of redacted versions of filings related to the plea agreement proceedings

To be notified to:

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Felicity Gerry

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TRIAL PANEL I (Panel) hereby renders this Order for submissions on the reclassification of filings and/or submission of redacted versions of filings related to the plea agreement proceedings.

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 (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

¹ KSC-BC-2023-10, F00596, Specialist Prosecutor, *URGENT Prosecution notification of plea agreements*, 13 November 2024, confidential, with Annexes 1-3, confidential. Corrected versions of the core filing and the annexes were filed on 14 November 2024, F00596/COR, F00596/COR/A01, F00596/COR/A02 and 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 (a public redacted version was filed on 5 February 2025, F00618/RED, *see infra* para. 8); F00619, Specialist Prosecutor, *URGENT Submission of revised Indictment*, 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.

addressing matters related to sentencing and presenting relevant information and/or evidence.

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 (Further Revised Indictment).⁸
5. On 18 and 19 December 2024, the Panel held hearings on the plea agreements concluded between the SPO and the Accused (collectively, Plea Agreements).⁹
6. On 3 February 2025, the Bahtijari Defence filed a request for reclassification of filings (First Bahtijari Request).¹⁰ On the same day, the SPO filed the Parties' agreement on reparations as an addendum to the Plea Agreements.¹¹
7. On 4 February 2025, the Panel convened a hearing during which it accepted the Plea Agreements and delivered its sentence.¹²
8. On 5 February 2025, the SPO filed submissions on reclassification (SPO Submissions).¹³

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, F00670, Bahtijari Defence, *BAHTIJARI application to reclassify F00178 and F00657*, 3 February 2025 (notified 4 February 2025), public.

¹¹ KSC-BC-2023-10, F00669, Specialist Prosecutor, *Prosecution submissions pursuant to Decision F00667*, 3 February 2025, confidential, with Annex 1, confidential.

¹² KSC-BC-2023-10, Transcript of Hearing, 4 February 2025, public, pp. 605-619.

¹³ KSC-BC-2023-10, F00672, Specialist Prosecutor, *Prosecution further submissions on reclassification*, 5 February 2025, public, with Annexes 1-2, public. The SPO submits public versions of the Revised Indictment and Further Revised Indictment, and states that it does not object to the reclassification of the following filings (excluding their annexes) as public: F00587, F00596/COR, F00619 and F00628.

9. On 7 February 2025, the Bahtijari Defence filed another request for reclassification of filings (Second Bahtijari Request).¹⁴

II. APPLICABLE LAW

10. The Panel notes Articles 21(2), 23(1), 40(2), (4), and (6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law) and Rules 80(1), 82(3) and 82(5) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (Rules).

III. DISCUSSION

11. As a preliminary matter, the Panel notes that the scope of the present order extends only to filings related to the plea agreements. Mindful of the principle of publicity of proceedings, which extends beyond hearings in the courtroom to also cover filings and any other submission in the case file, the Panel finds it necessary to immediately review the classification of all filings related to the plea agreements in the case file.¹⁵

12. Mindful also of its responsibility to ensure that any given filing in the case file bears the appropriate classification and of its duty to provide for the protection of victims and witnesses, as well as the rights of the Accused, the Panel issues the following instructions to the Parties and the Registry regarding submissions on

¹⁴ KSC-BC-2023-10, F00679, Bahtijari Defence, *BAHTIJARI APPLICATION TO RECLASSIFY F00622 AND F00565*, 7 February 2025 (notified 10 February 2025), public.

¹⁵ See, similarly, KSC-BC-2023-10, F00467, Pre-Trial Judge, [Order on Reclassification of Filings, Submissions of Public Redacted Versions of Filings and Further Reclassification Matters](#) (Pre-Trial Reclassification Order), 4 September 2024, public, para. 13.

reclassification and/or submission of redacted versions of certain filings in the case file.

A. SPECIALIST PROSECUTOR'S OFFICE

13. First, the Panel orders the SPO to file a public redacted version of filings KSC-BC-2023-10/F00629 while applying the necessary redactions to ensure respect for the confidentiality of any information and/or protective measures in place.

14. Likewise, the Panel further orders the SPO to file a public redacted version of F00618, with the below specific redactions applied:

- KSC-BC-2023-10/F00618, currently classified as confidential, redact: paragraph 15, line 2, all the words from the beginning of the line until the full stop; paragraph 15, line 4, all the words between spare and the end of the line; paragraph 16, line 1, all the words between "of Witness 1" and "on"; paragraph 17, line 1, all the words between "outlined" and "the three counts"; and paragraph 17, from the last word on line 4 until the full stop at line 6.

15. Second, given the state of the advancement of the proceedings and the fact that any underlying information has now been made available to the public, and in light of the SPO's most recent submissions on reclassification,¹⁶ the Panel is of the view that certain filings of the SPO should now be reclassified as public. Thus, the Panel instructs the Registrar to reclassify as public the following filings: KSC-BC-2023-10/F00587, F00596, F00596/COR, F00607, F00618/A03, F00619, F00628, F00630, F00632, F00635, F00669 and F00669/A01.

¹⁶ SPO Submissions, para. 2.

B. BAHTIJARI DEFENCE

16. Turning to the First Bahtijari Request, the Panel notes at the outset that the Bahtijari Defence requests the reclassification as public of two filings: F00178 and F00657.¹⁷ The Panel recalls that pursuant to an Order of the Pre-Trial Judge,¹⁸ F00178 has already been reclassified as public. Consequently, the First Bahtijari Request in relation to said filing is moot. As for F00657, the Panel considers that given the state of the advancement of the proceedings, and the fact that any underlying information is now within the public domain, said filing can be reclassified as public. Accordingly, the Panel partially grants the First Bahtijari Request and instructs the Registrar to reclassify F00657 as public.

17. In addition, the Panel takes note that while the Bahtijari Defence has filed public redacted versions of certain filings,¹⁹ the redactions therein are excessive in light of the fact that some redacted information is now public. Once again recalling the principle of publicity of proceedings, the Panel considers it appropriate to order the Bahtijari Defence to file lesser redacted versions of the following filings, while maintaining the below specific redactions:

- KSC-BC-2023-10/F00599, currently classified as confidential, maintain the redaction: paragraph 5, line 2, all the words between “signed” and the full stop at the end of the paragraph;

¹⁷ First Bahtijari Request, para. 1.

¹⁸ Pre-Trial Reclassification Order, paras 41, 58(a).

¹⁹ KSC-BC-2023-10, F00599, Bahtijari Defence, *BAHTIJARI request on classification*, 14 November 2024, confidential. A public redacted version was filed on 20 November 2024, F00599/RED; F00604, Bahtijari Defence, *BAHTIJARI application for short timetable for sentencing*, 15 November 2024, confidential. A public redacted version was filed on 20 November 2024, F00604/RED; F00609, Bahtijari Defence, *BAHTIJARI response to F00603 and reply to F00606 and F00608*, 20 November 2024, confidential. A public redacted version was filed on the same day, F00609/RED.

- KSC-BC-2023-10/F00604, currently classified as confidential, maintain the redaction: paragraph 11, line 2, from “He” until the end of the paragraph at line 8; and paragraph 13, line 1, all the words between “statements” and “for”;
- KSC-BC-2023-10/F00609, currently classified as confidential, maintain the redaction: paragraph 13, line 2, from “Whilst” until the end of the paragraph at line 7; and paragraph 14, lines 2 to 5 in their entirety.

18. The Panel also notes that the Bahtijari Defence filed a corrected version of filing F00620²⁰ on 11 December 2024, but then proceeded to file a public redacted version of the *original* core filing on 18 December 2024. The Panel thus deems it appropriate to order the Bahtijari Defence to file a public redacted version of F00620/COR.

19. Lastly, in relation to the Second Bahtijari Request, the Panel recalls that the scope of this present order extends only to filings related to the plea agreements.²¹ As a result, the Panel will limit its consideration to F00622. In light of the Bahtijari Defence’s application for reclassification of said filing,²² the lack of any confidential information enclosed therein, and the state of advancement of the proceedings, the Panel instructs the Registrar to reclassify the filing KSC-BC-2023-10/F00622 as public.

C. SHALA DEFENCE

20. In addition, the Panel instructs the Shala Defence to either request the reclassification as public, or to file a public redacted version of filing: KSC-BC-2023-10/F00616.

²⁰ KSC-BC-2023-10, F00620, Bahtijari Defence, *BAHTIJARI Submission on Sentencing*, 6 December 2024, confidential, with Annexes 1-3, confidential. A corrected version of the core filing was filed on 11 December 2024, F00620/COR, and a public redacted version of the core filing was filed on 18 December 2024, F00620/RED.

²¹ See *supra* para. 11.

²² Second Bahtijari Request, paras 1-2.

D. JANUZI DEFENCE

21. The Panel instructs the Januzi Defence to file a public redacted version of filing KSC-BC-2023-10/F00617, while specifically taking care to redact any details that may impinge upon the privacy of the Accused.
22. Additionally, in light of the state of advancement of the proceedings, the Panel instructs the Registrar to reclassify the filing KSC-BC-2023-10/F00606 as public.

E. OTHER MATTERS

23. In ordering the Parties to request the reclassification of certain filings or file the public redacted versions thereof, the Panel reminds the Parties to exercise caution not to disclose any confidential information related to, *inter alia*: i) any sensitive or identifying details of witnesses; ii) any personal information about the Accused, counsel, witnesses, as well as third parties; iii) the operational and investigative means and methods of the SPO; iv) the internal security and operational matters at the SC Detention Facilities, and by extension, the inner workings of the Registry.²³

²³ See, *similarly*, Pre-Trial Reclassification Order, paras 20, 22, 23, 24.

IV. DISPOSITION

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

a. **ORDERS** the SPO:

(i) to file a public redacted version of filing F00629, at the latest by **Monday, 24 February 2025**; and

(ii) to file a public redacted version of filing F00618, in accordance with the specific redactions set out in paragraph 14 of the present order, at the latest by **Monday, 24 February 2025**;

b. **GRANTS**, in part, the First Bahtijari Request and **ORDERS** the Bahtijari Defence:

(i) to file lesser redacted versions of F00599, F00604, and F00609, in accordance with the specific redactions set out in paragraph 17 of the present order, at the latest by **Monday, 24 February 2025**; and

(ii) to file a public redacted version of F00620/COR, at the latest by **Monday, 24 February 2025**;

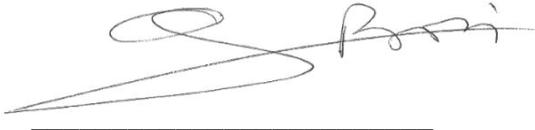
c. **ORDERS** the Shala Defence to either request the reclassification as public of filing F00616, or file a public redacted version thereof, at the latest by **Monday, 24 February 2025**; and

d. **ORDERS** the Januzi Defence to file a public redacted version of filing F00617, at the latest by **Monday, 24 February 2025**; and

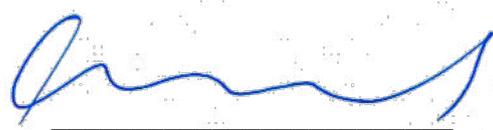
e. **ORDERS** the Registrar to reclassify as public the following filings: F00587, F00596, F00596/COR, F00606, F00607, F00618/A03, F00619, F00622, F00628, F00630, F00632, F00635, F00657, F00669, and F00669/A01, at the latest by **Monday, 24 February 2025**.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Tuesday, 18 February 2025

At The Hague, the Netherlands.