



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: 4 March 2025

Language: English

Classification: Public

Order for submission of public redacted versions of filings

To be notified to:

Specialist Prosecutor

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Toby Cadman

TRIAL PANEL I (Panel) hereby renders this order for submission of public redacted versions of filings.

I. PROCEDURAL BACKGROUND

1. On 4 February 2025, during a hearing, the Panel (i) approved the plea agreements entered into between the Specialist Prosecutor's Office (SPO) and Haxhi Shala (Mr Shala), Sabit Januzi (Mr Januzi) and Ismet Bahtijari (Mr Bahtijari); (ii) found Messrs Shala, Januzi, and Bahtijari guilty of one charge of obstructing official persons in performing official duties and one charge of intimidation in criminal proceedings; and (iii) sentenced Mr Shala to three years of imprisonment, and Messrs Januzi and Bahtijari to two years of imprisonment each.¹

2. On 27 February 2025, the Panel issued the written reasons for its approval of the Plea Agreements pursuant to Rule 94(8) of the of Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (Rules) (Plea Agreements Decision).²

II. APPLICABLE LAW

3. 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(5), 84(1) and 94(8) of the Rules.

¹ Transcript of Hearing, 4 February 2025, confidential, p. 612, line 19 to p. 618, line 23.

² KSC-BC-2023-10, F00693, Trial Panel I, *Reasons for the Decision on the Plea Agreements*, 27 February 2025, confidential. A public redacted version was issued on the same day, F00693/RED.

III. DISCUSSION

4. Considering that the Panel has issued its Plea Agreements Decision on 27 February 2025 and that said decision has the force and effect of a final judgment, as provided under Rule 94(8) of the Rules,³ the Panel will exercise its duty under Rule 84(1) of the Rules to review the classification of certain filings in the case file, including its decisions, in order to adhere to the principle of publicity of proceedings, as enshrined under 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.⁴

5. 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.

6. To assist the Panel in the performance of its duty under Rule 84(1) of the Rules, the SPO is instructed to file public redacted versions⁵ of the following filings:

- KSC-BC-2023-11/F00025, currently classified as strictly confidential and *ex parte*;⁶

³ See *supra* para. 2.

⁴ See, similarly, KSC-BC-2020-04, F00844, Trial Panel I, *Order for submissions on the reclassification of filings and/or submission of public redacted versions of filings*, 11 July 2024, public, para. 4; KSC-BC-2020-05, F00492, Trial Panel, *Order for submissions on the reclassification of filings and/or submission of public and/or confidential redacted versions of filings*, 15 December 2022, public, para. 5.

⁵ See *infra* para. 12.

⁶ The SPO is ordered to apply redactions consistent with the Panel's ruling in KSC-BC-2023-10, F00634, Trial Panel I, *Decision on various requests for reclassification of filings and the submission of further public redacted versions of filings* (F00634 Decision), 20 December 2024, confidential, paras 11-14 (a public redacted version was issued on the same day, F00634/RED).

- KSC-BC-2023-10/F00038, currently classified as strictly confidential and *ex parte*;
- KSC-BC-2023-10/F00046, currently classified as strictly confidential and *ex parte*;
- KSC-BC-2023-10/F00052, currently classified as strictly confidential and *ex parte*;
- KSC-BC-2023-10/F00057, currently classified as confidential;
- KSC-BC-2023-10/F00058, currently classified as strictly confidential and *ex parte*;
- KSC-BC-2023-10/F00137, currently classified as confidential;⁷
- KSC-BC-2023-10/F000143, currently classified as confidential; and
- KSC-BC-2023-10/F000241, currently classified as confidential.

7. The Defence for Mr Januzi (Januzi Defence) and the Defence for Mr Shala (Shala Defence) are also instructed to file a public redacted version of the following filing:

- KSC-BC-2023-10/F00524, currently classified as confidential.⁸

8. The Januzi Defence is instructed to file public redacted versions⁹ of the following filings:

⁷ See *supra* footnote 6.

⁸ The Januzi Defence and the Shala Defence are notably ordered to apply all redactions consistent with the Panel's ruling in paragraphs 11-14 of F00634 Decision and in line with the redactions applied in filings KSC-BC-2023-10, F00519/RED, Specialist Prosecutor, the Shala Defence, the Januzi Defence and the Bahtijari Defence, *Public redacted version of 'Joint submission requesting an RFA*, 14 October 2024, public and F00530/RED, SPO, *Public redacted version of "Prosecution response to 'Joint Request by Sabit Januzi Defence and Haxhi Shala Defence for a Request For Assistance'"*, 18 October 2024, public.

⁹ See *infra* para. 12.

- KSC-BC-2023-10/F00270, currently classified as confidential;¹⁰
- KSC-BC-2023-10/F00555 and F00555/COR, currently classified as confidential;¹¹
- KSC-BC-2023-10/F00564, currently classified as confidential;¹²
- KSC-BC-2023-10/F00578, currently classified as confidential;¹³
- KSC-BC-2023-10/F00579, currently classified as confidential;¹⁴ and
- KSC-BC-2023-10/F00661, currently classified as confidential.¹⁵

9. The Shala Defence is further instructed to file public redacted versions¹⁶ of the following filings:

- KSC-BC-2023-10/F00557, currently classified as confidential;¹⁷
- KSC-BC-2023-10/F00562, currently classified as confidential;¹⁸
- KSC-BC-2023-10/F00567, currently classified as confidential;¹⁹ and

¹⁰ The Januzi Defence is notably instructed to redact at paragraph 3, lines 3-4, all the words from “the phones of” to the parenthesis.

¹¹ See *supra* footnote 8.

¹² The Januzi Defence is notably ordered to apply redactions consistent with the Panel’s instructions in paragraph 23 of the F00634 Decision.

¹³ The Januzi Defence is notably ordered to redact: (i) paragraph 4 (c) c. name of intended witness, (ii) paragraph 4 (c) d. in its entirety, (iii) paragraph 5 (a) and (b) names of intended witnesses, and (iv) paragraph 5 (c) in its entirety.

¹⁴ See *supra* footnote 8. See also KSC-BC-2023-10, F00572/RED, Specialist Prosecutor, *Public redacted version of ‘Prosecution response to F00555’*, 4 November 2024, public.

¹⁵ The Januzi Defence is notably ordered to redact at paragraph 10, lines 1-2, all the words between “the views of” and “on the plea agreement”, paragraph 11 in its entirety, paragraph 12, lines 1-2, all the words between “either” and “at that stage”, and paragraph 23, line 3, all the words between “for victim status is” and “or some other”.

¹⁶ See *infra* para. 12.

¹⁷ See *supra* footnote 8.

¹⁸ The Shala Defence is ordered to apply all redactions consistent with KSC-BC-2023-10, F00529/RED, Specialist Prosecutor, *Public redacted version of ‘Prosecution motion for admission of documentary evidence’*, 17 October 2024, public.

¹⁹ The Shala Defence is notably ordered to apply all redactions consistent with KSC-BC-2023-10, F00532/RED, Specialist Prosecutor, *Public redacted version of ‘Prosecution motion for admission of electronic evidence’*, 18 October 2024, public.

- KSC-BC-2023-10/F00663, currently classified as confidential.²⁰

10. Moreover, the Registrar is instructed to file public redacted versions²¹ of the following filings:

- KSC-BC-2023-10/F00571 (without the annex), currently classified as confidential; and
- KSC-BC-2023-10/F00647/CONF/RED2 (without the annex), currently classified as confidential.

11. Lastly, the Defence for Mr Bahtijari (Bahtijari Defence) is reminded of: (i) the Panel's order of 18 February 2025 (18 February Order);²² and (ii) its obligation to abide by deadlines set by the Panel on any given matter and to resort to the legal avenues provided under the Rules for extension of time limits, in case it is not in a position to meet the established deadlines.²³ In this regard, the Panel instructs the Defence to file public or lesser public redacted versions of the following filings, in compliance with the Panel's 18 February Order:²⁴

- KSC-BC-2023-10/F00599, currently classified as confidential;
- KSC-BC-2023-10/F00604, currently classified as confidential;
- KSC-BC-2023-10/F00609, currently classified as confidential; and

²⁰ The Shala Defence is notably ordered to redact at paragraph 7(iii), line 4 "suffering from" and "anxiety", paragraph 23, line 3, all the words between "harm" and "anxiety".

²¹ See *infra* para. 12.

²² KSC-BC-2023-10, F00683, Trial Panel I, *Order for submissions on the reclassification of filings and/or submission of redacted versions of filings related to the plea agreement proceedings*, 18 February 2025, public, paras 17-18.

²³ See KSC-BC-2023-10, F00586, Trial Panel I, *Decision on the conduct of the proceedings*, 11 November 2024, public, para. 76; F00508, Trial Panel I, *Decision on the Bahtijari Defence request for medical examinations*, 7 October 2024, confidential and *ex parte* (a public redacted version was issued on 21 January 2025, F508/RED, para. 20).

²⁴ 18 February Order, paras 17-18.

- KSC-BC-2023-10/F00620/COR, currently classified as confidential.

12. In ordering the Parties and the Registrar to file redacted versions of the above-mentioned filings, the Panel reminds the Parties and the Registrar to exercise caution not to disclose any protected and/or confidential information related to, *inter alia*: i) witnesses, victims, the convicted persons, and third parties; and ii) the operational and investigative means and methods of the SPO.²⁵

13. Should the Parties and/or the Registrar consider that a public redacted version of any of the above-mentioned filings cannot be made available at this time, they shall specify the reasons thereto, in accordance with Rule 82(3) of the Rules, and indicate whether and when any such public redacted version can be submitted.

IV. DISPOSITION

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

- a. **INSTRUCTS** the SPO to file public redacted versions of filings F00025, F00038, F00046, F00052, F00057, F00058, F00137, F000143 and F000241, in accordance with paragraph 6 of the present order, at the latest by **Monday, 10 March 2025**;
- b. **INSTRUCTS** the Januzi Defence and the Shala Defence to file a public redacted version of filing F00524, in accordance with paragraph 7 of the present order, at the latest by **Monday, 10 March 2025**;
- c. **INSTRUCTS** the Januzi Defence to file public redacted versions of filings F00270, F00555, F00555/COR, F00564, F00578, F00579 and F00661, in

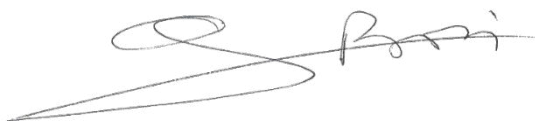
²⁵ See, similarly, 18 February Order, para. 23.

accordance with paragraph 8 of the present order, at the latest by **Monday, 10 March 2025**;

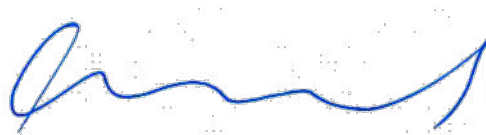
- d. **INSTRUCTS** the Shala Defence to file public redacted versions of filings F00557, F00562, F00567 and F00663, in accordance with paragraph 9 of the present order, at the latest by **Monday, 10 March 2025**;
- e. **INSTRUCTS** the Registrar to file public redacted versions of filings F00571 and F00647/CONF/RED2, in accordance with paragraph 10 of the present order, at the latest by **Monday, 10 March 2025**;
- f. **INSTRUCTS** the Bahtijari Defence to file public or lesser public redacted versions of filings F00599, F00604, F00609 and F00620/COR, in accordance with paragraph 11 of the present order, at the latest by **Monday, 10 March 2025**; and
- g. **INSTRUCTS** the SPO, the Januzi Defence, the Shala Defence and the Registrar, should they wish to retain the current classification of any of the above-mentioned filings, to 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, at the latest by **Monday, 10 March 2025**.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Tuesday, 4 March 2025.

At The Hague, the Netherlands.