

Annex 1 to
Order Setting the Date for a Status Conference

Public

Agenda for the Status Conference and/or Written Submissions

Information to be provided by the Specialist Prosecutor's Office ("SPO") and the Defence, as the case may be:

1. General Questions:

- a) Whether the SPO's investigation in this case is still ongoing and, if so, whether and how this will impact the speedy conduct of the proceedings;
- b) What is the overall amount of evidence that the SPO is currently in possession of and intends to use for the purpose of these proceedings;
- c) How many witnesses did the SPO rely upon for the purpose of the Confirmed Indictment and does it intend to rely upon them for trial; and how many witnesses does the SPO intend to add to the list of witnesses for the purpose of trial;
- d) If the Defence wishes to contribute: at this stage, and without prejudice to the Accused's rights under the Law, whether the Defence foresee to investigate and how much time approximately will it require to conclude its investigative activities; and
- e) If the Defence wishes to contribute: at this stage, and without prejudice to the Accused's rights under the Law, can the Defence indicate whether it will provide notice of alibi or any other grounds excluding criminal responsibility.

2. Rule 102(1)(a) Material (Supporting Material to the Indictment)

- a) The overall amount of such material, including a breakdown thereof (number of witness statements, statements obtained from the Accused, transcripts, reports, other documents, audio/video material, photographs, objects), including the total number of pages and the length of any audio/video material, where applicable;

- b) Whether translations into Albanian of witness statements whom the SPO intends to call to testify at trial have been finalised or, if in progress, when such translations are expected to be completed;
- c) Whether the Rule 102(1)(a) material requires redactions; and
- d) Whether the SPO would be prepared to disclose to the Defence the material falling under this provision ahead of the 30-day deadline provided for in Rule 102(1)(a) of the Rules.

3. Rule 102(1)(b) Material (Additional Material Intended for Use at Trial)

- a) An indication as to whether the SPO intends to disclose, in addition to material falling under Rule 102(1)(a) of the Rules, material falling under Rule 102(1)(b) of the Rules, including:
 - statements of witnesses whom the SPO intends to call to testify at trial, including whether their translations into Albanian have been finalised or, if in progress, when such translations are expected to be completed;
 - other witness statements, expert reports, depositions, or transcripts that the SPO intends to present at trial; and
 - exhibits that the SPO intends to present at trial.
- b) If the SPO intends to disclose such material, an indication of the estimated amount and type thereof, including number of pages and the length of any audio/video material, where applicable;
- c) Whether the Rule 102(1)(b) material will require redactions; and
- d) When the SPO would be prepared to disclose to the Defence the material falling under this provision.

4. Rule 102(3) Material (Evidence Material to Defence Preparation, Obtained from or Belonging to the Accused)

- a) An indication as to whether the SPO intends to make available to the Defence any material in its custody or control falling under Rule 102(3) of the Rules, including any statements, documents, photographs, or other tangible objects which may be deemed by the Defence to be material to its preparation, or were obtained from or belonged to the Accused;
- b) If the SPO has such material in custody or control, an indication of the type and estimated amount thereof, including number of pages and the length of any audio/video material, where applicable;
- c) Whether Rule 102(3) material will require redactions; and
- d) When the SPO would be prepared to provide detailed notice of such material to the Defence.

5. Rule 103 Material (Exculpatory Evidence)

- a) An indication of the amount and type of exculpatory material within the meaning of Rule 103 of the Rules in the custody, control or actual knowledge of the SPO to date, and a breakdown thereof (number of witness statements, transcripts, reports, other documents, audio/video material, photographs, objects), including the total number of pages and the length of any audio/video material, where applicable; and
- b) If the Prosecutor possesses such material, whether redactions will be required prior to immediate disclosure.

6. Rule 107 Material (Protected Material)

- a) An indication whether the SPO has custody or control over material that it intends to tender into evidence which has been provided on a confidential basis and solely for the purpose of generating new evidence, including an indication of the estimated amount and type thereof, including number of pages and the length of any audio/video material, where applicable;
- b) In case the SPO intends to disclose such material, whether the material falls under Rules 102(2) and/or 103 of the Rules;
- c) An indication whether and for which material the SPO intends to seek the consent of information providers and when the receipt of such consent can be expected; whether the SPO has already taken steps to obtain the consent of the information provider to disclose such material or whether such steps are foreseen in the near future;
- d) An indication whether the SPO intends to apply to the Pre-Trial Judge to be relieved in whole or in part of its obligation under Rule 102 and 103 of the Rules to disclose the initial material;
- e) An indication whether, if such material is to be disclosed, redactions will be required; and
- f) An indication whether, if such material cannot be disclosed, other counterbalancing measures pursuant to Rule 108(2) of the Rules will be requested to be applied, including which type of material may be affected thereof.

Information to be provided by the SPO and the Witnesses Protection and Support Office (“WPSO”) during the *ex parte* session, if any, of the Status Conference:

- a) In case the SPO intends to make use of the same witnesses relied upon for the Confirmed Indictment, has the information about those witnesses been shared with the WPSO? If not, will the SPO share this information with the WPSO in the near future? Does the SPO anticipate that further protective measures could be necessary for witnesses to be relied upon for trial? Do the witnesses require protection and which measures have been taken to protect them;
- b) Are any of the SPO (potential) witnesses in the protection programme of the SC? Have they been “preventively” relocated by the SPO without the WPSO’s involvement?
- c) Are there any other protection issues which the SPO wishes to raise with the Pre-Trial Judge at this point in time?
- d) Is the WPSO in a position to provide the Pre-Trial Judge with individual risk assessments for the witnesses whom the SPO intends to rely upon at trial and/or for whom the SPO will request anonymity?