



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-05  
**Specialist Prosecutor v. Salih Mustafa**

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor

**Date:** 6 May 2021

**Language:** English

**Classification:** Public

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**Public Redacted Version of 'Submissions on proposed redactions to the Confirmation Decision', KSC-BC-2020-05/F00027, dated 2 October 2020**

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**Specialist Prosecutor's Office**

Jack Smith

**Counsel for the Accused**

Julius von Bóné

1. Pursuant to the Status Conference Order,<sup>1</sup> the Specialist Prosecutor's Office ('SPO') hereby provides written submissions on the proposed redactions to be applied to the Confirmation Decision,<sup>2</sup> in order to make it available to the Defence and the public.
2. In order to make the Confirmation Decision available to the Defence and the public, redactions to the names and identifying information of any victim or witness described in the Confirmation Decision should be redacted. These redactions would be similar to those already authorised on a provisional basis by way of the Confirmation Decision.<sup>3</sup>
3. The circumstances set out in the SPO's Initial Submission of Indictment are still applicable.<sup>4</sup> There are real risks of interference with witnesses and victims, which, pursuant to Rule 105, constitute exceptional circumstances justifying interim non-disclosure of the identities of witnesses and victims involved in these proceedings until appropriate protective measures have been ordered. Accordingly, the proposed redactions to be applied to the Confirmation Decision at this stage are necessary to ensure the integrity of the proceedings, and the protection of witnesses and victims.
4. In addition, and as a precautionary measure, the SPO requests redaction of certain ERNs, including transcript numbers, from the any public version of the Confirmation Decision. This measure is necessary pending completion of the ongoing exercise of cross-checking against, and potentially making adjustments as a result of, confidential material [REDACTED].
5. In Annex 1, redactions requested for any confidential redacted version of the Confirmation Decision are identified by way of red boxes surrounding the relevant text. In any public redacted version of the Confirmation Decision, the SPO respectfully

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<sup>1</sup> Order Setting the Date for a Status Conference, KSC-BC-2020-05/F00023, 30 September 2020, Public ('Status Conference Order'), para.21(c).

<sup>2</sup> Decision on the Confirmation of the Indictment Against Salih Mustafa, KSC-BC-2020-05/F00008, 12 June 2020, Strictly Confidential and *Ex Parte* ('Confirmation Decision').

<sup>3</sup> See Confirmation Decision, KSC-BC-2020-05/F00008, para.163

<sup>4</sup> Submission of Indictment for Confirmation and Related Requests, KSC-BC-2020-05/F00002, 14 February 2020, Strictly Confidential and *Ex Parte* ('Initial Submission of Indictment'), paras.21-22.

requested that, in addition to text identified in Annex 1 by way of red boxes, the text highlighted in yellow also be redacted.

6. This filing is submitted as strictly confidential and *ex parte* in accordance with the Status Conference Order.<sup>5</sup>

**Word count: 377**



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**Jack Smith**

**Specialist Prosecutor**

Thursday, 6 May 2021

At The Hague, the Netherlands.

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<sup>5</sup> Status Conference Order, KSC-BC-2020-05/F00023, para.21(c).