



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filed by: Dr Fidelma Donlon

Date: 6 May 2021

Language: English

Classification: Public

Public Redacted Version of
'Submissions on the Reclassification of Filings',
filing F00028 dated 2 October 2020

Specialist Prosecutor's Office

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Counsel for the Accused

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I. INTRODUCTION

1. On 25 September 2020, the Pre-Trial Judge requested the Registrar to submit her reasons for maintaining the classification of certain filings in case file KSC-BC-2020-05 or to submit confidential (redacted) and/or public (redacted) versions thereof ('Order').¹ Pursuant to the Order and Rule 82 of the Rules², the Registrar hereby provides submissions on the reclassification of filings in case file KSC-BC-2020-05.
2. This submission is filed as strictly confidential and *ex parte* in accordance with Rule 82(4).

II. SUBMISSIONS

A. RECLASSIFICATION: PUBLIC

3. The Registrar submits that she has no objection to the reclassification, as public, of the following filings:
 - a. F00013, Registrar, "Notification of Arrest Pursuant to Rule 55(4)" ('F00013');
 - b. F00014, Registrar, "Notification of Reception in the Detention Facilities of the Specialist Chambers" ('F00014').
4. Pursuant to Article 39 of the Practice Direction on Files and Filings,³ changes to the classification of F00013 and F00014 may be implemented by the Court Management Unit ('CMU') upon judicial authorisation.
5. Accordingly, pursuant to the Order, the Registrar respectfully requests the Pre-Trial Judge to authorise CMU to implement the changes to the classification of F00013 and F00014 from strictly confidential and *ex parte* to public.

B. RECLASSIFICATION: PUBLIC (REDACTED)

6. Upon judicial authorisation and reclassification of the core filing pursuant to

¹ Order for Submissions on the Reclassification of Filings, KSC-BC-2020-05/F00016, 25 September 2020.

² Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, as amended on 29 and 30 April 2020.

³ Practice Direction on Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019.

paragraphs 3(b) and 5 above, the Registrar hereby informs the Pre-Trial Judge that she will submit a public (redacted) version of the following filing pursuant to the Order:

- a. F00014/A01, Registrar, “Annex 1 to Notification of Reception in the Detention Facilities of the Specialist Chambers”.

7. The purpose of the limited redaction to F00014/A01 is solely to remove the identifying information of a Registry staff member.

8. Pursuant to the Order, the Registrar also informs the Pre-Trial Judge that she has submitted a public, redacted version of the following filing:

- a. F00015, Registrar, “Submission of the Registrar Pursuant to Rule 23(2) on COVID-19 Risk Mitigation Measures” (‘F00015’).

9. The redactions to F00015 are necessary [REDACTED]; [REDACTED]; [REDACTED]. [REDACTED].⁴ Public disclosure of the above-mentioned information would be detrimental to the Registrar’s exercise of her functions, including the detention function.⁵

C. RETAIN CLASSIFICATION: CONFIDENTIAL

10. Finally, the Registrar submits that the following filing should remain confidential:

- a. F00015/A01, Registrar, “Annex 1 to Submission of the Registrar Pursuant to 23(2) on COVID-19 Risk Mitigation Measures” (‘F00015/A01’).

11. Retaining the classification of F00015/A01 is necessary at this time [REDACTED]. [REDACTED].⁶ Public disclosure of F00015/A01 would be detrimental to the Registrar’s exercise of her functions, including the detention function.⁷

⁴ Cf. Rule 111(2) of the Rules (regarding the non-disclosure of communications [REDACTED]).

⁵ [REDACTED].

⁶ See *supra*, fn. 3.

⁷ See *supra*, fn. 4.

12. Based on the important interests at stake, the Registrar submits that F00015/A01 should retain its classification as confidential [REDACTED].

Word count: 503

A handwritten signature in cursive script that reads "Fidelma Donlon".

Dr Fidelma Donlon
Registrar

Thursday, 6 May 2021
At The Hague, the Netherlands