



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

In: **KSC-BC-2020-07**
The Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: **Trial Panel II**
Judge Charles L. Smith, III, Presiding Judge
Judge Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 24 September 2021

Language: English

Classification: Public

Submissions pursuant to the Trial Panel's Third Oral Order of 8 September 2021

with confidential Annex 1

Specialist Prosecutor's Office

Jack Smith

Counsel for Mr Gucati

Jonathan Elystan Rees

Counsel for Mr Haradinaj

Toby Cadman

1. As directed by the Trial Panel,¹ the Parties engaged in consultations pertaining to the classification of exhibits in the bar table request filed by the Specialist Prosecutor's Office ('SPO').²
2. On 20 September 2021, the Trial Panel granted the SPO's request for an extension of time until 24 September 2021 in order to inform the Trial Panel of any agreement between the Parties and of unresolved matters.³
3. The SPO hereby informs the Trial Panel that the Parties are not in agreement on the justifications underlying the SPO Submissions on Classification,⁴ and in particular: (a) on the SPO's request that exhibits obtained from open sources and reproducing the images or the contents of confidential documents that were illegally disseminated be redacted in the relevant parts prior to being made public;⁵ and (b) on the SPO's request that names and personal details of SPO staff members and innocent third parties, as well as information on investigative methodology, be redacted from exhibits under categories 3.1, 3.2 and 3.3 of the Bar Table Request⁶ prior to being made public.⁷ As such, the redactions proposed by the SPO on the relevant exhibits are generally not accepted by the Defence, with some limited exceptions.⁸
4. The SPO maintains its position as presented in the Submissions on Classification. Annex 1 to the present filing includes the SPO's proposed redactions to relevant exhibits addressed in paras 2-7 of the Submissions on Classification,⁹ noting

¹ Third Oral Order, KSC-BC-2020-07, Transcript, 8 September 2021, p.709 line 25 to p.710, line 7.

² See Prosecution submissions on classification of exhibits in bar table request, KSC-BC-2020-07/F00298, 6 September 2021 ('SPO submissions on classification of exhibits').

³ Decision on Request for an Extension of Time, KSC-BC-2020-07/F00319, 20 September 2020.

⁴ Prosecution submissions on classification of exhibits in bar table request, KSC-BC-2020-07/F00298, 6 September 2021 ('SPO Submissions on Classification').

⁵ SPO Submissions on Classification, KSC-BC-2020-07/F00298, paras 2-5.

⁶ Prosecution request for admission of items through the bar table, KSC-BC-2020-07/F000291, 31 August 2021, with Confidential Annex 1 ('Bar Table Request').

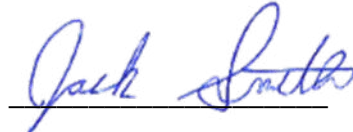
⁷ SPO Submissions on Classification, KSC-BC-2020-07/F00298, paras 6-7.

⁸ See Annex 1.

⁹ In some instances, proposed redactions have been lifted following the comments received on 22 September 2021 by the Defence Teams on the redactions proposed *inter partes* by the SPO on 15

instances where the proposed redactions have been agreed upon by the Defence Teams.

Word count: 413



Jack Smith

Specialist Prosecutor

Friday, 24 September 2021

At The Hague, the Netherlands

September 2021; other redactions were added to ensure consistency. Redactions have been applied to the English versions of each document. Should the proposed redactions be accepted, the same information would be redacted from the Albanian versions, as applicable.