



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 January 2022

Language: English

Classification: Public

Further Submissions on Public Redacted Version of P00104

with public Annexes 1-3 and confidential Annex 4

Specialist Prosecutor's Office

Jack Smith

Counsel for Mr Gucati

Jonathan Elystan Rees

Counsel for Mr Haradinaj

Toby Cadman

1. As ordered by the Trial Panel,¹ the Specialist Prosecutor's Office ('SPO') hereby presents further submissions on the proposed public redacted version of admitted exhibit P00104.²
2. All redactions proposed by the SPO reflect the redactions applied by Kosovo Courts to the on-line versions of judgements and other materials included in P00104. Annex 1 to this submission lists the available on-line versions of each of the documents included in P00104. The redactions in those versions are mirrored in the redactions proposed to P00104. None of the redactions proposed by the SPO go beyond those applied by Kosovo Courts on materials available on-line.
3. The Kosovo Law on Courts, No.06/L-054³ of 23 December 2018 stipulates at Article 6(3) that '[t]he courts shall publish all judgements on their official websites within sixty (60) days from the issuance of the judgement in accordance with the legislation in force. The Council shall issue sub-legal acts for the implementation of this article'. The Kosovo Judicial Council Administrative Guidance No. 04/2019 of 31 December 2019⁴ currently regulates the criteria for redactions to be applied to judgements published on-line.
4. Previously applicable laws and administrative sources adopted similar criteria in regulating the anonymisation of judgements to be published on-line.⁵

¹ Decision on Proposed Redactions of Certain Admitted Exhibits, KSC-BC-2020-07/F00503, 17 December 2021 ('Decision'), paras 18, 22(c).

² Annex 1 to Submissions Pursuant to the Trial Panel's Decision F00427 with Confidential Annex 1, 23 November 2021, KSC-BC-2020-07/F00492, pp. 1-938.

³ Published on the Official Gazette of the Republic of Kosovo n. 22 of 18 December 2018.

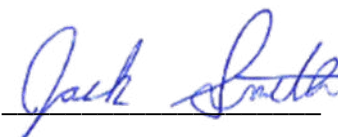
⁴ Annex 2, including both the English and Albanian version of the Administrative Guidance.

⁵ See, e.g. Law No. 03/L-199 of Courts, dated 3 March 2014, and subsequent amendments; Kosovo Administrative instruction on anonymization and publication of final court judgments dated 2 February 2016 (Annex 3, including both the Albanian and the English versions). See also the EULEX website including judgments pre-dating the Law No. 03/L-199 of Courts (<https://eulex-kosovo.eu/?page=2,8>), noting that '[t]he published judgements and other court decisions are redacted pursuant to the internal rule on anonymisation for protection of personal data of the parties involved'.

5. The SPO submits a revised version of the redactions proposed in relation to the excerpts included in pages 628-636 of P00104, to more clearly and accurately reflect the redactions applied to the corresponding judgement available on-line.⁶

6. In other instances where the SPO has marked for redaction both specific parts of a page and the entire page, the entire page is meant to be redacted, as no public or open source version of the document could be identified.

Word count: 430



Jack Smith

Specialist Prosecutor

Monday, 24 January 2022

At The Hague, the Netherlands

⁶ Annex 4.