

**In:** KSC-BC-2020-04  
**The Prosecutor v. Pjetër Shala**

**Before:** **Trial Panel I**  
Judge Mappie Veldt-Foglia, Presiding Judge  
Judge Roland Dekkers  
Judge Gilbert Bitti  
Judge Vladimir Mikula, Reserve

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Victims' Counsel

**Date:** 05 October 2022

**Language:** English

**Classification:** Confidential

---

**Victims' Counsel Submissions on the Need for the Continued Application of the  
Protective Measures Ordered for Victims Participating in the Proceedings**

---

**Specialist Prosecutor**  
Jack Smith

**Counsel for Pjetër Shala**  
Jean-Louis Gilissen

**Counsel for Victims**  
Simon Laws

## I. INTRODUCTION

1. Pursuant to the Pre-Trial Judge's orders of 11 August 2022<sup>1</sup> and 19 September 2022<sup>2</sup>, and following the transmission of the case to Trial Panel I,<sup>3</sup> Victims' Counsel submits to Trial Panel I as to the need for the continued application of the protective measures granted to seven victims participating in the proceedings ("VPPs").

## II. CLASSIFICATION OF FILING

2. Pursuant to Rule 82(4) RPE, this filing is classified as confidential as it responds to previous filings that are confidential.
3. This filing does not refer to any confidential information and only refers to and cites public redacted versions of confidential filings.
4. Victims' Counsel does not object to the reclassification of this filing as public.

## III. PROCEDURAL HISTORY

5. On 11 August 2022, the Pre-Trial Judge issued the Second Decision on Victims' Participation.<sup>4</sup> The Pre-Trial Judge admitted one applicant to participate in the proceedings as a VPP,<sup>5</sup> and ordered Victims' Counsel "to provide submissions as to the need for the continued application of the protective measures ordered pursuant to Rule 80(4)(d) and (e)(i) of the Rules by no later than **Friday, 7 October 2022**".<sup>6</sup>

---

<sup>1</sup> *Prosecutor v. Pjetër Shala*, KSC-BC-2020-04/F00249/RED, Public Redacted Version of Second Decision on Victims' Participation, 11 August 2022 ("Second Decision"), paras 37 and 43(g).

<sup>2</sup> *Prosecutor v. Pjetër Shala*, KSC-BC-2020-04/F00279/RED, Public Redacted Version of Third Decision on Victims' Participation, 19 September 2022 ("Third Decision"), paras 38 and 43(e).

<sup>3</sup> *Prosecutor v. Pjetër Shala*, KSC-BC-2020-04, Decision Transmitting the Case File to Trial Panel I, 21 September 2022, para. 10.

<sup>4</sup> Second Decision.

<sup>5</sup> Second Decision, para. 43(b).

<sup>6</sup> Second Decision, paras 37 and 43(g).

6. On 19 September 2022, the Pre-Trial Judge issued the Third Decision on Victims' Participation. The Pre-Trial Judge admitted six applicants to participate in the proceedings as VPPs,<sup>7</sup> and ordered Victims' Counsel to "provide submissions as to the need for the continued application of the protective measures ordered pursuant to Rule 80(4)(d) and (e)(i) of the Rules by no later than **Friday, 7 October 2022**".<sup>8</sup>
7. On 21 September 2022, the Pre-Trial Judge transmitted case file KSC-BC-2020-04 to Trial Panel I.<sup>9</sup>

#### IV. SUBMISSIONS

8. Since the Pre-Trial Judge's orders of 11 August and 19 September 2022, Victims' Counsel has discussed the issue of protective measures with all seven of the VPPs admitted in the Second and Third Decisions.
9. Having been given an explanation of the protective measures temporarily in place, all seven of the VPPs have expressed a preference for them to continue until further order.
10. Victims' Counsel respectfully adopts the reasoning of the Pre-Trial Judge in deciding that:
  - i) disclosure to the public, the Accused and the Defence of material or information leading to the identification of the seven VPPs poses an objectively justifiable risk to them<sup>10</sup>, and
  - ii) anonymity under Rule 80(4)(e)(i) is the most appropriate and necessary measure at this stage<sup>11</sup>, and
  - iii) that the measure is proportionate at this stage<sup>12</sup>.

---

<sup>7</sup> Third Decision, para. 43(a).

<sup>8</sup> Third Decision, paras 38 and 43(e).

<sup>9</sup> KSC-BC-2020-04, Decision Transmitting the Case File to Trial Panel I, 21 September 2022, para. 10.

<sup>10</sup> Second Decision, para. 34; Third Decision, para. 35.

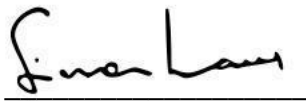
<sup>11</sup> Second Decision, para. 34; Third Decision, para. 35.

<sup>12</sup> Second Decision, para. 35; Third Decision, para. 36.

## V. RELIEF SOUGHT

11. For all of these reasons, Victims' Counsel requests that the Trial Panel orders that the protective measures granted on a provisional basis by the Pre-Trial Judge should remain in place until further order.

**Word count: 569**



**Simon Laws KC**  
**Counsel for Victims**  
05 October 2022  
The Hague, the Netherlands



**Maria Radziejowska**  
**Co-Counsel for Victims**  
05 October 2022  
The Hague, the Netherlands