



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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

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

Registrar: Fidelma Donlon

Date: 15 May 2023

Language: English

Classification: **Public**

Second order for submissions on the lifting of redactions and/or reclassification of transcripts of trial hearings

Acting Specialist Prosecutor
Alex Whiting

Counsel for the Accused
Jean-Louis Gilissen

Victims' Counsel
Simon Laws

TRIAL PANEL I (Panel) hereby renders this order for submissions on the lifting of redactions and/or reclassification of transcripts of trial hearings.

1. On 4 April 2023, the Panel ordered the Parties and Victims' Counsel to undertake a revision of the transcripts of the trial hearings relating to the first evidentiary block and make submissions on whether existing redactions could be lifted and/or transcripts reclassified as public.¹
2. From 1 May to 3 May 2023, the Panel heard the testimonies of witnesses TW4-10 and TW4-11, as part of the second evidentiary block.²
3. The Panel notes Articles 21(2), 23, and 40(2), (4) and (6)(f) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law) and Rules 80 and 84(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules).
4. The Panel recalls that, pursuant to Article 21(2) of the Law, and subject to any protective measures for witnesses and victims ordered under Article 23 of the Law, the accused has the right to a public hearing in the determination of the charges against him.
5. With a view to respecting the principle of publicity while upholding the protective measures for witnesses and victims, the Panel considers it appropriate to order the Parties and Victims' Counsel to undertake a revision of the transcripts of the trial hearings which took place from 1 to 3 May 2023 and to make submissions,

¹ KSC-BC-2020-04, F00476, Trial Panel I, *Order for submissions on the lifting of redactions and/or the reclassification of transcripts of trial hearings*, 4 April 2023, public.

² KSC-BC-2020-04, Transcript of Hearing, 1 May 2023, confidential; Transcript of Hearing, 2 May 2023, confidential; Transcript of Hearing, 3 May 2023, confidential.

by **30 May 2023**, on whether existing redactions can be lifted and/or transcripts reclassified as public.

6. The Parties and Victims' Counsel shall liaise with each other and make joint submissions for the lifting of redactions/reclassification of transcripts in a consolidated filing. The Panel reminds the Parties and Victims' Counsel to ensure that their submissions for the lifting of redactions/reclassification of transcripts are consistent within and across transcripts.

7. Should the Parties and Victims' Counsel disagree on discrete portions of any transcript, they shall specify this in their submissions and provide reasons for their disagreement. The Panel will ultimately decide on the lifting of redactions and/or reclassification of the transcripts, pursuant to Rules 80(1) and 84(1) of the Rules.

8. Further, the Panel considers it appropriate to order the Parties and Victims' Counsel to undertake the same exercise, on a rolling basis, following the completion of every evidentiary block. To this end and considering the eventual length of future evidentiary blocks, the Parties and Victims' Counsel shall make joint submissions, as indicated above,³ within two weeks of the completion of each upcoming block.⁴ The Panel will decide at a later stage whether a further revision of the transcripts at the end of the presentation of evidence by each of the Parties and by Victims' Counsel, in accordance with Rules 114 and 127 of the Rules, remains necessary.⁵ The same will apply in case the Panel decides to call evidence in accordance with Rule 132 of the Rules.

9. Lastly, the Panel clarifies that, for the purposes of paragraph 8, the testimony of W04887, scheduled to be heard on 16 June 2023, shall be deemed to be part of the third

³ See paras 6-7 above.

⁴ This applies to all future evidentiary blocks, whether they have been scheduled at this point or not.

⁵ See KSC-BC-2020-04, F00434/RED, Trial Panel I, *Public redacted version of Decision on the conduct of the proceedings*, 24 February 2023, public, paras 76-81.

evidentiary block. The deadline for submissions for the third evidentiary block shall therefore begin to run as of the completion of W04887's testimony on 16 June 2023.

10. For the above-mentioned reasons, the Panel hereby:

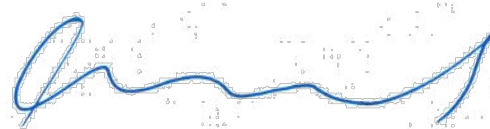
- a) **ORDERS** the Parties and Victims' Counsel to provide submissions, as indicated in paragraphs 5-7 of the present order, by **Tuesday, 30 May 2023**; and
- b) **ORDERS** the Parties and Victims' Counsel to provide submissions, as set out in paragraphs 6-9 of the present order, within two weeks from the completion of each upcoming evidentiary block.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Monday, 15 May 2023

At The Hague, the Netherlands.