



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

In: KSC-BC-2023-10
Specialist Prosecutor v. Sabit Januzi and Ismet Bahtijari

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 31 October 2023

Language: English

Classification: Public

Prosecution submissions for second status conference

Specialist Prosecutor's Office
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Thomas Gillis

Duty Counsel for Ismet Bahtijari
Hendrik Sytema

I. INTRODUCTION

1. Pursuant to the Order,¹ the Specialist Prosecutor's Office ('SPO') hereby provides written submissions on the agenda items identified by the Pre-Trial Judge.²

II. SUBMISSIONS

A. DISCLOSURE

2. The SPO is not facing any difficulties relating to the disclosure of evidentiary material at this time, and has taken note of the calendar set out in the Framework Decision.³

3. The SPO completed its Rule 102(1)(a)⁴ disclosure on 31 October 2023.⁵

4. The SPO is continuing its review of Rule 103 material within its custody, control or actual knowledge, and following any necessary processing and application of required redactions, it shall immediately disclose any such material.

B. TRANSLATION

5. The SPO is not facing any difficulties regarding the translation of evidentiary material at this time. However, the SPO is currently operating at full capacity in completing necessary transcriptions and/or translations.

6. The SPO continues to anticipate that it may yet obtain additional evidence that would constitute Rule 102(1)(b) material. Any additional materials may require

¹ Order Setting the Date for the Second Status Conference and for Submissions, KSC-BC-2023-10/F00081, 27 October 2023 ('Order').

² Order, KSC-BC-2023-10/F00081, paras 13-15.

³ Framework Decision on Disclosure of Evidence and Related Matters, KSC-BC-2023-10/F00076, 24 October 2023 ('Framework Decision'), paras 49-77.

⁴ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

⁵ Disclosure Package 2.

translation, but the SPO expects that the translation process would be completed within the proposed timeline for the disclosure of material under Rule 102(1)(b).

C. INVESTIGATIONS

7. While the overall investigative work of the SPO will continue throughout the proceedings, the SPO has made substantial progress with its outstanding investigation. The results of certain further investigative steps are currently being processed for review, analysis, and, as applicable, disclosure. It is possible that certain additional investigative steps may follow from that analysis, and the SPO is currently organising its work to conduct any such steps by the end of December 2023 to the extent possible.

D. PRE-TRIAL BRIEF

8. In light of the disclosure calendar set out in the Framework Decision,⁶ the SPO anticipates that it will be able to file its pre-trial brief and related materials by 2 February 2024.

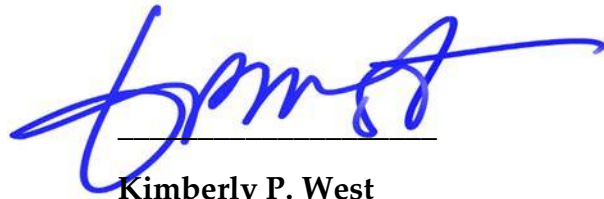
E. CASE-SPECIFIC SUB-CATEGORISATION TO BE APPLIED IN LEGAL WORKFLOW

9. The SPO has proposed the following case-specific subcategories to the Defence: (i) Count 1, Count 2, and Count 3 (under the Standard Category ‘Offences’); (ii) direct commission, co-perpetration, assistance, agreement, and attempt (under the Standard Category ‘Alleged Conduct of the Accused’); (iii) Mr Januzi, Mr Bahtijari, and both (under the Standard Category ‘Accused’); and (iv) Evidence to be presented by the SPO.

10. The SPO is currently awaiting a response by the Defence, and will endeavour to have an agreement by the date of the second status conference.

⁶ Framework Decision, KSC-BC-2023-10/F00076, paras 58, 67.

Word count: 479



Kimberly P. West

Specialist Prosecutor

Tuesday, 31 October 2023

At The Hague, the Netherlands.