



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: 19 September 2023

Language: English

Classification: Public

Public redacted version of 'Further submissions pursuant to Order F00003'

Specialist Prosecutor's Office

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I. INTRODUCTION

1. The Specialist Prosecutor's Office ('SPO') hereby responds to the Single Judge's Order¹ to provide further submissions regarding the scope of the SPO's request for search and seizure of any and all mobile telephones of Sabit JANUZI and Ismet BAHTJARI (the 'Requested Searches and Seizures').

II. FURTHER SUBMISSIONS

A. SCOPE OF THE REQUESTED SEARCHES AND SEIZURE

2. Regarding the questions raised in Paragraph 7 of the Order, the SPO's request is ultimately targeted at seizing any and all mobile telephones (to include any and all SIM cards) JANUZI and BAHTJARI carry on them—including on their persons or in any bags, parcels, or other containers in their possession (their 'Possessions')—at the time of their arrests in Kosovo. The SPO therefore specifically requests:

- (a) to search the persons of JANUZI and BAHTJARI and their Possessions incident to arrest;
- (b) to seize any and all mobile telephones (to include any and all SIM cards) that JANUZI and BAHTJARI carried on their persons or in their Possessions; and
- (c) to seize any and all mobile telephones (to include any and all SIM cards) found on the persons or in the Possessions of JANUZI and BAHTJARI and any further evidence that is believed to have been used in, connected with or may be evidence relevant to the charged crimes and any recent efforts to interfere with the administration of justice.²

¹ Order for Further Submissions in Relation to Filing F00003, KSC-BC-2023-10/F00003, 15 September 2023, Strictly Confidential and *Ex Parte* ('Order').

² Such items of evidence may include records of contacts or meetings, diaries, logbooks, decisions, photographs, video and audio recordings, orders, instructions, directives, reports, policies, protocols or regulations, as well as computers and other devices that reasonably could be expected to contain

B. LOCATION OF EXECUTION OF REQUESTED SEARCH AND SEIZURES AND REQUESTED SIMs

3. Regarding the request for clarification in Paragraph 9 of the Order, the SPO submits that, to ensure efficient and safe execution of the arrest warrants, the Requested Searches and Seizures will not be executed at the time of the arrests of JANUZI and BAHTJARI in Kosovo. Any items found on their persons and in their Possessions incident to their arrests, including any and all mobile telephones, will be separated from them. [REDACTED]. The SPO plans to execute the Requested Searches and Seizures after JANUZI and BAHTJARI have been transferred to the Detention Facilities in The Hague at the Detention Facilities. The SPO is mindful of the procedural requirements set forth in the Rule 39(1)-(2) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers.

4. [REDACTED],³ [REDACTED].

5. [REDACTED].

III. CONFIDENTIALITY

6. This filing is strictly confidential and *ex parte* in accordance with Rules 82(4).

IV. RELIEF REQUESTED

7. The SPO respectfully requests the Pre-Trial Judge to authorise the Requested Searches and Seizures.

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relevant evidence. *See* Submission of Indictment for Confirmation and Related Requests, KSC-BC-2020-04/F00002, 14 February 2020, para.12; Submission of Indictment for Confirmation and Related Requests, KSC-BC-2020-05/F00002, 14 February 2020, para.13; Request for Arrest Warrants and Related Orders, KSC-BC-2020-06/F00005, 28 May 2020, para.42.

³ Submission of Indictment for Confirmation and Related Requests, KSC-BC-2023-10/F00002, 11 September 2023, Strictly Confidential and *Ex Parte*.

\signed\

Ward Ferdinandusse

Acting Deputy Specialist Prosecutor

Tuesday, 19 September 2023

At The Hague, the Netherlands.