



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: 9 October 2023

Language: English

Classification: Public

**Public redacted version of 'Prosecution submissions concerning redactions to
Decision F00008**

with strictly confidential and *ex parte* Annex 1'

Specialist Prosecutor's Office

Ward Ferdinandusse

Duty Counsel for Sabit Januzi

Jonathan Elystan Rees

Duty Counsel for Ismet Bahtijari

Hendrik Sytema

1. Pursuant to the Decision,¹ the Specialist Prosecutor's Office ('SPO') hereby proposes certain redactions to the Decision before it is made available to the Accused, or public.
2. The redactions required for making the Decision available to the public are marked in Annex 1. A number of the proposed redactions to the public redacted version of the Decision aim to prevent the public from identifying and further disseminating the identity of a victim/witness, which would [REDACTED] at additional risk of harassment and physical harm and also have a chilling effect on [REDACTED] current and potential witnesses of the Kosovo Specialist Chambers ('KSC').² The risk to these individuals is real, particularly in light of the pervasive climate of fear and intimidation in Kosovo against witnesses and potential witnesses of the KSC.³
3. The SPO also proposes temporary redactions regarding:
 - a. [REDACTED];⁵ and
 - b. [REDACTED].⁶
4. A limited number of proposed redactions contain personal identifiable information, namely, telephone numbers,⁷ or [REDACTED].⁸

¹ Decision on the Confirmation of the Indictment, KSC-BC-2023-10/F00008, 2 October 2023, Strictly Confidential and *Ex Parte* ('Decision'), para.155(j).

² See Annex 1, proposed redactions to paras [REDACTED].

³ See Decision on Request for Arrest Warrants and Transfer Orders, KSC-BC-2023-10/F00009, 2 October 2023, Strictly Confidential and *Ex Parte*, para.21

⁴ The SPO will advise once circumstances permit these temporary redactions to be lifted.

⁵ See Annex 1, proposed redactions to [REDACTED].

⁶ See Annex 1, proposed redactions to [REDACTED].

⁷ See Annex 1, proposed redactions to [REDACTED].

⁸ For example Annex 1, [REDACTED].

5. The risks of including the information contained in the proposed redactions far outweigh the public interest in publishing the information, at this stage, especially since the underlying criminal conduct charged in the Confirmed Indictment will be clear to the public from the unredacted portions of the charging document.

6. With regard to making the filing available to the Defence,⁹ only one redaction is required (which also applies for the public). [REDACTED].¹⁰

7. This filing and its annex are submitted as strictly confidential and *ex parte* in accordance with Rule 82(4).

Word count: 458

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Ward Ferdinandusse
Acting Deputy Specialist Prosecutor

Monday, 9 October 2023

At The Hague, the Netherlands.

⁹ See Decision, KSC-BC-2023-10/F00008, para.155(j).

¹⁰ See Annex 1, [REDACTED].