



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:** 12 December 2023

**Language:** English

**Classification:** Public

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**Public redacted version of 'Prosecution submissions for third status conference  
with strictly confidential and *ex parte* Annex 1'**

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## I. INTRODUCTION

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

## II. SUBMISSIONS

### A. DISCLOSURE

2. With regard to progress made in the disclosure of evidentiary material, as noted by the Pre-Trial Judge in the Order,<sup>3</sup> on 16 November 2023 the SPO disclosed a batch<sup>4</sup> of material under Rule 103 of the Rules.<sup>5</sup> Further, on 6 December 2023, the SPO disclosed a first batch of material under Rule 102(1)(b).<sup>6</sup>

3. The disclosure of material under Rule 102(1)(b) in Case 10 will be completed within the deadline set forth in the Framework Decision, *i.e.* by 15 December 2023.<sup>7</sup>

4. The SPO anticipates being able to submit the detailed notice of evidence falling under Rule 102(3) by 26 January 2024. The items currently identified are less than 50, although the SPO's review is ongoing. The majority of the Rule 102(3) material currently identified will not require redactions.

5. The SPO is continuing its review for purposes of identifying any further material falling within Rule 103. If new exculpatory material is identified, it will be immediately disclosed.

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<sup>1</sup> Order Setting the Date for the Third Status Conference and for Submissions, KSC-BC-2023-10/F00121, Public, 8 December 2023 ('Order').

<sup>2</sup> Order, KSC-BC-2023-10/F00121, para.8.

<sup>3</sup> Order, KSC-BC-2023-10/F00121, para.6.

<sup>4</sup> Disclosure Batch 4.

<sup>5</sup> 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.

<sup>6</sup> Disclosure Batch 5.

<sup>7</sup> The SPO notes that the Rule 102(1)(b) disclosure is being prepared in line with the SPO's request in paragraph 1(a) of KSC-BC-2023-10/F00108. The SPO will seek authorisation in court to proceed accordingly, pending a decision on the request.

6. At this time, the SPO does not currently anticipate making any requests under Rule 107.

7. The SPO is not facing difficulties in meeting the disclosure calendar set out in the Framework Decision.<sup>8</sup> However, [REDACTED].

#### B. TRANSLATION

8. The SPO is not facing 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.

#### C. INVESTIGATION

9. The SPO has made substantial progress with its outstanding investigation. The review and analysis of recent investigative activities has led to a few additional steps that may run into January 2024. The relevant details are provided in strictly confidential and *ex parte* Annex 1.

#### D. POINTS OF AGREEMENT

10. The Parties have not yet entered into any discussions regarding potential points of agreement on the law or facts pursuant to Rules 95(3) and 156 of the Rules, or identified any issues subject or not to dispute. The SPO intends to initiate discussion on such issues with the Defence of both Accused following the Third Status Conference.

#### E. TRANSMISSION OF THE CASE FILE AND TRIAL READINESS

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<sup>8</sup> Framework Decision on Disclosure of Evidence and Related Matters, KSC-BC-2023-10/F00076, 24 October 2023 ('Framework Decision'), paras 49-77.

11. The SPO does not oppose the transmission of the case file to the Trial Panel by 15 March 2024, pursuant to Rule 72 regarding expedited proceedings. The SPO could be ready for trial shortly thereafter.

### III. CLASSIFICATION

12. This filing is classified as confidential because it refers to information related to ongoing confidential proceedings. Annex 1 is classified as strictly confidential and *ex parte* as it details ongoing investigative steps. A public redacted version of the filing will be filed.

**Word count: 600**



**Kimberly P. West**

**Specialist Prosecutor**

Tuesday, 12 December 2023

At The Hague, the Netherlands.