



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

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 16 February 2024

Language: English

Classification: Public

**Submission of Prosecution Pre-Trial Brief, witness and exhibit lists, and Rule 109(c)
chart
with confidential Annexes 1-4**

Specialist Prosecutor's Office
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1. Pursuant to Rule 95(4)(a) of the Rules,¹ the Specialist Prosecutor's Office ('SPO') hereby files: i) the Prosecution Pre-Trial Brief;² ii) the list of witnesses the SPO intends to call or otherwise rely upon at trial ('Witness List') with the information required by Rule 95(4)(b);³ and (iii) the list of proposed exhibits the SPO intends to present at trial ('Exhibit List').⁴ Consistent with Rule 95(4), the Pre-Trial Brief constitutes a summary of the evidence the SPO intends to present to prove its case, and the evidence cited therein is not exhaustive.

2. In addition, pursuant to Rule 109(c), the SPO hereby files the Rule 109(c) chart.⁵ The chart, which is a supplementary tool intended to assist the parties and the Trial Panel,⁶ should be considered in conjunction with, *inter alia*, the disclosed materials, prior Legal Workflow categorisation, and Rule 95(4) filings.

3. In light of the joinder of KSC-BC-2023-10 ('Case 10') and KSC-BC-2023-11 ('Case 11'),⁷ the SPO has also provisionally included items previously disclosed pursuant to Rules 102(1)(a) and 102(1)(b) in Case 11 (but not yet Case 10). These items appear as items 162 through 167 on the Exhibit List. Noting the continuation of the Case 10 record, and discontinuation of the Case 11 record, and the Pre-Trial Judge's indication that further guidance will follow on the practical implementation of the joinder,⁸ the SPO has

¹ 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.

² Annex 1.

³ Annex 2.

⁴ Annex 3.

⁵ Annex 4.

⁶ References to and placement of materials in the chart are not intended to be exhaustive and are not binding on the disclosing party or future Trial Panel in terms of how the referenced material is ultimately used or relied upon. *See* Rules 137(2), 139.

⁷ Public Redacted Version of Decision on Request for Joinder and Amendment of the Indictment, KSC-BC-2023/10/F00161/RED, 8 February 2024 ('Joinder Decision').

⁸ Joinder Decision, KSC-BC-2023/10/F00161/RED, para.57.

previously requested authorisation to (re-)disclose these items in the Case 10 record pursuant to Rules 102(1)(a) and 102(1)(b) to ensure complete disclosure within the joint case file.⁹

4. The SPO has also previously requested the Pre-Trial Judge to authorise the SPO to disclose certain limited additional evidentiary materials.¹⁰ Subject to the Pre-Trial Judge's approval of this request, and in order to provide maximum notice, the SPO has provisionally included the additional evidentiary materials on the Exhibit List as items 168 through 170.

5. The annexes are filed as confidential to safeguard previously authorised protective measures.

Word count: 459



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Friday, 16 February 2024

At The Hague, the Netherlands

⁹ Prosecution submission of Rule 109(c) chart and witness and exhibit lists and related request for Rule 102(1)(b) disclosure with confidential Annexes 1-3, KSC-BC-2023/10/F00164, 9 February 2024 ('Prosecution Request'), para.3.

¹⁰ Prosecution Request, KSC-BC-2023/10/F00164, paras 4-6.