



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

In: KSC-BC-2023-11
Specialist Prosecutor v. Haxhi Shala

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 11 December 2023

Language: English

Classification: Public

**Public redacted version of 'Prosecution submissions concerning redactions to
Decision F00005 with strictly confidential and *ex parte* Annex 1'**

Specialist Prosecutor's Office

Kimberly P. West

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Jonathan Elystan Rees

Counsel for Ismet Bahtijari

Felicity Gerry

Counsel for Haxhi Shala

Toby Cadman

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 public.² No redactions are proposed before the Decision be made available to the Defence.³
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 place [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').⁴ 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.⁵
3. The SPO also proposes temporary redactions regarding:
 - a. [REDACTED];⁷ and
 - b. [REDACTED].⁸
4. A limited number of proposed redactions contain personal identifiable information, namely, telephone numbers,⁹ or [REDACTED].¹⁰

¹ Decision on the Confirmation of the Indictment, KSC-BC-2023-11/F00005, 4 December 2023, Strictly Confidential and *Ex Parte* ('Decision').

² Decision, KSC-BC-2023-11/F00005, para.155(i).

³ Decision, KSC-BC-2023-11/F00005, para.155(i).

⁴ See Annex 1, [REDACTED].

⁵ See Decision on Request for Warrant of Arrest and Transfer Order, KSC-BC-2023-11/F00006, 4 December 2023, Strictly Confidential and *Ex Parte*, para.21

⁶ The SPO will advise once circumstances permit these temporary redactions to be lifted.

⁷ See Annex 1, [REDACTED].

⁸ See Annex 1, [REDACTED].

⁹ See Annex 1, [REDACTED].

¹⁰ See 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. This filing and its annex are submitted as strictly confidential and *ex parte* in accordance with Rule 82(4).

Word count: 437



Kimberly P. West

Specialist Prosecutor

Monday, 11 December 2023

At The Hague, the Netherlands.