



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

In: **KSC-BC-2023-10**
Specialist Prosecutor v. Sabit Januzi and Ismet Bahtijari
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: 15 December 2023

Language: English

Classification: Public

Public redacted version of 'Prosecution submissions regarding transfer of filings'

Specialist Prosecutor's Office

Kimberly P. West

Counsel for Sabit Januzi

Jonathan Elystan Rees

Counsel for Ismet Bahtijari

Felicity Gerry

Counsel for Haxhi Shala

Toby Cadman

1. Pursuant to the Pre-Trial Judge's Order,¹ the Specialist Prosecutor's Office ('SPO') makes the following proposal regarding the copying and transfer of files. As the Pre-Trial Judge is aware, the SPO has filed a request to join KSC-BC-2023-10 ('Case 10') and KSC-BC-2023-11 ('Case 11').² Should the Pre-Trial Judge grant the joinder request, the SPO proposes that the items filed in both Cases 10 and 11 be consolidated.
2. Should it be necessary to copy and transfer files while the joinder request is pending, the SPO submits that all filings and decisions from KSC-BC-2018-01 that were previously transferred to Case 10 be copied and transferred to Case 11 (these should however retain their original classifications pending review for reclassification and further or lesser redaction).
3. In addition, the SPO has identified several further items in KSC-BC-2018-01 which should now be copied and transferred to both Cases 10 and 11:
 - i. F00474;
 - ii. F00513; and
 - iii. F00521 with Annex 1.
4. Specifically, the SPO proposes that (i) F00474 retain its classification for the same reasons as set out in Case 10 filing F00090³ and be transferred to both Cases 10 and 11;

¹ Decision Setting the Date for the Initial Appearance of Haxhi Shala and Related Matters, KSC-BC-2023-11/F00014, 12 December 2023, paras 21, 22(f) ('Order').

² Prosecution request for joinder, KSC-BC-2023-10/F00132 and Prosecution request for joinder, KSC-BC-2023-11/F00016.

³ [REDACTED].

and (ii) the SPO will file a confidential redacted version of F00513 for filing in both Cases 10 and 11.

5. The SPO requests the opportunity to make submissions and, as necessary, propose redactions, prior to any reclassifications occurring.

6. This filing is submitted as strictly confidential and *ex parte* in accordance with the Order.

Word count: 295



Kimberly P. West

Specialist Prosecutor

Friday, 15 December 2023

At The Hague, the Netherlands