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Kosovo Specialist Chambers  
Redactions to Records of In-Court Proceedings  
KSC-BD-44KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

## Registry Practice Direction

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### On Redactions to Records of In-Court Proceedings

**Approved by:** The Registrar, Kosovo Specialist Chambers

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## 1. Purpose and Scope

- 1.1. This Practice Direction has been issued by the Registrar pursuant to Article 34(1) - (3) of the Law on Specialist Chambers and Specialist Prosecutor's Office, Law No. 05/L-053 ("Law") and Rule 23(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules").
- 1.2. This Practice Direction sets out the procedures through which Parties or Participants can request redaction of confidential information disclosed during Public and/or Private Sessions of in-court proceedings, and the subsequent implementation of redactions by the Registry.
- 1.3. The procedures outlined in this Practice Direction are understood as complementary to a Panel's discretion to order redactions *proprio motu*.
- 1.4. Redaction of records of in-court proceedings shall be implemented by the Registry only upon the issuance of a Redaction Order of the competent Panel, as specified in the Practice Direction on Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15 ("PD on Files and Filings").
- 1.5. This Practice Direction shall be read in conjunction with the Information Circular Guidance on Digital Redaction, KSC-IC-22. Any request to vary protective measures ordered shall be handled pursuant to the Rules of Procedure and Evidence.

## 2. Definitions

In addition to the definitions under Rule 2 of the Rules and the PD on Files and Filings, the following definitions apply throughout this Practice Direction:

Redaction	Procedure for removal of confidential information from the public records of in-court proceedings;
In-Court Redaction	Redaction from records of in-court proceedings that occurs within the period leading up to their broadcast via the KSC streaming platform, as prescribed by Article 69(3) of the PD on Files and Filings;
Post-Session Redaction	Redaction from records of in-court proceedings that occurs after the broadcast of the proceedings via the KSC streaming platform, as prescribed by Article 69(3) of the PD on Files and Filings;
Redaction Order	An order issued by the competent Panel to redact confidential information from the public records of in-court proceedings.

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### 3. Records of In-Court Proceedings

- 3.1. In accordance with Rule 24(1) of the Rules, the full and accurate record of each proceeding as specified under the PD on Files and Filings shall consist of transcripts and audio-visual recordings.
- 3.2. In addition, where applicable, the Registry shall also create public versions of the transcripts and audio-visual recordings, in accordance with the PD on Files and Filings.
- 3.3. The Court Management Unit of the Registry (“CMU”) shall be responsible for implementing any Redaction Order(s) in coordination with other Registry Units.

#### A. In-Court Redactions

- 3.4. In the event that a Party/Participant believes that confidential information has been disclosed during a public session, they shall immediately alert the Panel and request redaction. Such request shall be sent to the Court Officer via email and copying the Panel’s email address, indicating the word(s) to be redacted with the reference to the relevant page(s) and line number(s) of the real-time transcript. Alternatively, the Party/Participant may request the Panel to go into private session and make an oral submission before the Panel to issue a Redaction Order.
- 3.5. In the event a Party/Participant believes confidential information can be visually identified from the audio-visual recordings of a private session, the Party/Participant shall request the redaction of the visual content of the audio-visual record following the procedure outlined in section 3.4 above.
- 3.6. The CMU Court Officer, following the instruction of the Panel, is responsible for preparing a confidential and a public redacted version of the Redaction Order for the Panel’s signature.
- 3.7. The CMU Court Officer shall coordinate with the Information Technology Services Unit (“ITSU”) to ensure the timely implementation of the Redaction Order by redacting the information from the streaming and recording of the public audio-visual material in all the official languages.
- 3.8. In the event that there is not enough time to implement the Redaction Order before it is streamed via the Specialist Chambers’ website, the CMU Court Officer shall stop the streaming for that segment<sup>1</sup> and will inform the Panel immediately. The streaming to the website of the court proceeding will then resume from the next segment.
- 3.9. The further public edited version of the audio-visual recordings which includes the redactions implemented pursuant to the Redaction Order may be released to the media outlets through the Public Information and Communications Unit (“PICU”).
- 3.10. The Redaction Order(s) shall be filed by CMU in accordance with the PD on Files and Filings on the same day, or where not possible, CMU shall notify by email the Parties/Participants present

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<sup>1</sup> A “segment” is understood as the portion of the hearing equal in duration to the delay with which the hearing is streamed on the Specialist Chamber’s website. If, for example, the 09:00 to 09:45 segment is stopped, only the next segment, *i.e.* the hearing from 09:46 – 10:31, will be streamed.

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in the courtroom of the redactions ordered, to avoid further references to the redacted portions of the transcript.


- 3.11. CMU shall also ensure that further public redacted versions of the transcripts in all official languages and of the corresponding audio-visual recordings are subsequently created.

## B. Post-Session Redactions

- 3.12. Redaction of confidential information from the public audio-visual recordings, which was not implemented before it was streamed via the Specialist Chamber's website, as referred to in Section 3.8 above, will be implemented post-session.
- 3.13. Redaction of confidential information released during public or private sessions of in-court proceedings which was neither requested, nor ordered during the hearing as described in sections 3.4 and 3.5 above, may be initiated *post facto*.
- 3.14. The requesting Party/Participant may make oral submission in private session or submit a confidential filing requesting that a post-session Redaction Order be issued. The information specified in section 3.4 shall be mentioned.
- 3.15. In the event of time constraints, a Party/Participant may bring the matter to the attention of the CMU Court Officer, providing the necessary information specified in section 3.4. The competent Panel will then decide on the post-session redaction request.
- 3.16. Following a request for a post-session Redaction Order, in order to prevent further disclosure of confidential information, the CMU shall immediately:
1. withdraw the relevant public transcript(s) in all official languages where applicable from the Public Court Records website, and
  2. inform the Parties and Participants of the possible post-session redaction.
- 3.17. The CMU Court Officer shall prepare a confidential and a public redacted version of the post-session Redaction Order, which will be filed in accordance with the PD on Files and Filings.
- 3.18. The CMU Court Officer shall also ensure that further public redacted versions of the transcripts in all official languages and of the corresponding audio-visual recordings are subsequently created.

The Hague, the Netherlands

23 November-2021



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