



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSC-BC-2023-10/IA001

**Before:** A Panel of the Court of Appeals Chamber  
Judge Michèle Picard  
Judge Emilio Gatti  
Judge Nina Jørgensen

**Registrar:** Fidelma Donlon

**Date:** 28 December 2023

**Original language:** English

**Classification:** Confidential

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**Decision on Specialist Prosecutor's Office's Request for Extension of Time**

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**Specialist Prosecutor's Office:**  
Kimberly P. West

**Counsel for Sabit Januzi:**  
Jonathan Elystan Rees

**Counsel for Ismet Bahtijari:**  
Hendrik Sytema

**THE PANEL OF THE COURT OF APPEALS CHAMBER** of the Kosovo Specialist Chambers (“Court of Appeals Panel”, “Appeals Panel” or “Panel” and “Specialist Chambers”, respectively),<sup>1</sup> acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 169 of the Rules of Procedure and Evidence (“Rules”), is seised of a request filed by the Specialist Prosecutor’s Office (“Request” and “SPO”, respectively),<sup>2</sup> seeking an extension of the time limit for filing its response to Mr Sabit Januzi’s appeal (“Response”, “Januzi” and “Appeal”,<sup>3</sup> respectively) against the Pre-Trial Judge’s “Decision on Sabit Januzi’s Request for Interim Release”.<sup>4</sup> The SPO requests an extension of one week for the filing of its Response, extending the deadline to 9 January 2024.<sup>5</sup>

1. The SPO submits that there is good cause for the reasonable and proportionate extension it requests because, due to the holiday period, there are only four working days between the notification of the Appeal and the SPO’s current response deadline of 2 January 2024.<sup>6</sup> The SPO further invokes the ongoing winter recess.<sup>7</sup>

2. The Panel notes that, pursuant to Rule 170(1) of the Rules, the Response should normally be filed within ten days after the Appeal is distributed. The Panel recalls, however, that Rule 9(5)(a) of the Rules allows for the variation of any time limit prescribed by the Rules, upon a showing of good cause or *proprio motu*.

3. Regarding the timeliness of the Request, the Panel considers that it has been filed sufficiently in advance of the deadline under Rule 170(1) of the Rules. As to good cause, the Appeals Panel notes that while a judicial recess does not itself constitute

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<sup>1</sup> IA001/F00003, Decision Assigning a Court of Appeals Panel, 28 December 2023 (confidential).

<sup>2</sup> IA001/F00002, Prosecution request for extension of time to respond to ‘Appeal Against the Decision on Interim Release on Behalf of Sabit Januzi’, 27 December 2023 (confidential and *ex parte*).

<sup>3</sup> IA001/F00001, Appeal Against the Decision on Interim Release on Behalf of Sabit Januzi, 21 December 2023 (confidential).

<sup>4</sup> F00123, Decision on Sabit Januzi’s Request for Interim Release, 8 December 2023 (confidential).

<sup>5</sup> Request, para. 1.

<sup>6</sup> Request, para. 2.

<sup>7</sup> Request, para. 2.

good cause for extending time limits, limited staff availability during recess may be a factor in granting extensions of time.<sup>8</sup> In addition, the Panel observes the limited number of working days between the notification of the Appeal and the SPO's deadline to file its Response due to the holiday period and the fact that the Appeal was distributed on 21 December 2023.<sup>9</sup> Therefore, in the particular circumstances of the present case and on an exceptional basis in light of the SPO's submissions, the Panel considers the requested extension to be reasonable. The Panel in particular considers that the requested extension will not impact the overall expeditiousness of the proceedings.

4. The Panel finally recalls that, pursuant to Rule 9(6) of the Rules, motions for the variation of time limits may be disposed of without giving the Parties the opportunity to be heard. In light of the upcoming deadline for responding to the Appeal, and given that no prejudice will be caused to the Parties, the Panel considers that it is in the interests of justice to dispose of the Request immediately.

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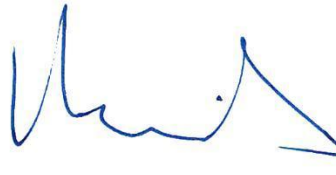
<sup>8</sup> KSC-CA-2023-02, F00004, Decision on Defence Motion for Variation of Time Limit to File Notice of Appeal, 9 January 2023, para. 6 and the jurisprudence cited therein. See also KSC-BC-2020-06, IA030/F00003, Decision on Selimi's and Krasniqi's Request for Variation of Time Limit, 22 December 2023, para. 3.

<sup>9</sup> The Panel notes that the Appeal was initially filed on 20 December 2023 but resubmitted and circulated on 21 December 2023 due to a clerical error.

5. For these reasons, the Court of Appeals Panel:

**GRANTS** the Request; and

**AUTHORISES** the SPO to file its Response no later than 9 January 2024.



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**Judge Michèle Picard,  
Presiding Judge**

Dated this Thursday, 28 December 2023

At The Hague, the Netherlands