



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

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

The Specialist Prosecutor v. Sabit Januzi, Ismet Bahtijari and Haxhi Shala

Before: **Pre-Trial Judge**

Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 15 April 2024

Language: English

Classification: **Public**

Decision on Request for Extension of Time

Specialist Prosecutor
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THE PRE-TRIAL JUDGE,¹ pursuant to Rules 9(5)(a) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”) hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 12 April 2024, the Defence for Ismet Bahtijari (“Mr Bahtijari” and “Defence”) filed an application seeking an extension of the time limit set by the Pre-Trial Judge² for the completion and the submission of the forms, including supporting documentation, required to request legal aid before the Registry (“Request”).³

II. APPLICABLE LAW

2. Pursuant to Rule 9(5)(a) of the Rules, the Panel may, *proprio motu*, or upon showing of good cause extend or reduce any time limit prescribed by the Rules or set by the Panel.

3. Pursuant to Rule 76 of the Rules, applications for extension of time shall be filed sufficiently in advance to enable the Panel to rule on the application before the expiry of the relevant time limit.

III. DISCUSSION

4. At the outset, the Pre-Trial Judge recalls that, pursuant to Rule 76 of the Rules, applications for extension of time shall be filed sufficiently in advance to enable

¹ KSC-BC-2023-10, F00001, President, *Decision Assigning a Pre-Trial Judge*, 11 September 2023, public. KSC-BC-2023-11, F00001, President, *Decision Assigning a Pre-Trial Judge*, 20 November 2023, public.

² KSC-BC-2023-10, F00233, Pre-Trial Judge, *Decision Setting out the Calendar for the Remaining Procedural Steps of the Pre-Trial Phase* (“Decision on Remaining Pre-Trial Phase’s Steps”), 27 March 2024, public, paras 30(a)-(b).

³ KSC-BC-2023-10, F00250, Defence, *Bahtijari Filing for Legal Aid Extension*, 12 April 2024, public.

the Panel to rule on the application before the expiry of the relevant time limit. The Pre-Trial Judge notes that the Request was filed on the day of expiry of the applicable time limit, i.e. on Friday, 12 April 2024.⁴ Nevertheless, considering the importance of the funding situation to (i) ensure the rights of the Accused in this case and (ii) prepare expeditiously the case properly before transmission to trial,⁵ the Pre-Trial Judge accepts to entertain the Request on an exceptional basis. In this respect, the Pre-Trial Judge notes that, in the future, the Defence shall endeavour to file requests under Rule 9(5) Rules sufficiently in advance of the expiry of the time limit at issue.

5. As regards the showing of good cause, the Pre-Trial judge pays heed to the fact that (i) nearly all relevant documents for the submission of the Defence's legal aid request have been provided by Mr Bahtijari's family⁶ and (ii) two remaining documents have been completed and/or requested but have not yet reached Counsel for Mr Bahtijari.⁷ Accordingly, the Pre-Trial Judge finds that good cause has been shown, warranting the requested extension of time.

IV. DISPOSITION

6. For the above-mentioned reasons, the Pre-Trial Judge hereby:

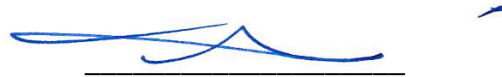
- a) **GRANTS** the Request;
- b) **ORDERS** the Defence to fill out the remaining required forms, along with supporting documentation, to request legal aid before the Registry, as well as to inform the Pre-Trial Judge accordingly, by **Friday, 19 April 2024**.

⁴ Decision on Remaining Pre-Trial Phase's Steps, paras 30(a)-(b).

⁵ See Decision on Remaining Pre-Trial Phase's Steps, para. 14.

⁶ Request, para. 2.

⁷ Request, paras 3-4, 6.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Monday, 15 April 2024
At The Hague, the Netherlands.