



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: 19 April 2024

Language: English

Classification: Public

Decision on Second Request for Extension of Time

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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 19 April 2024, the Defence for Ismet Bahtijari (“Mr Bahtijari” and “Defence”) filed an application seeking a further extension of the time limit for the completion and the submission of the forms, including supporting documentation, required to request legal aid before the Registry (“Request”).²

2. On the same day, the Defence filed an amended Request (“Amended Request”).³

II. APPLICABLE LAW

3. 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.

4. 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.

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, F00255, Defence, *Bahtijari Filing for Further Extension for Legal Aid*, 19 April 2024, confidential.

³ KSC-BC-2023-10, F00256, Defence, *Bahtijari Amended Filing for Further Extension for Legal Aid*, 19 April 2024, confidential.

III. DISCUSSION

5. At the outset, the Pre-Trial Judge notes that the Defence filed the Request and the Amended Request consecutively nearly within the hour,⁴ on the day of expiry of the applicable time limit, i.e. on Friday, 19 April 2024.⁵

6. The Pre-Trial Judge notes that the Amended Request differs from the Request in that the Defence: (i) crossed out a line in its submissions, seemingly to indicate that the document referred therein is no longer outstanding; and (ii) inserted a new submission that refers to a new document, which, according to the Defence, is outstanding.⁶ Since the Amended Request appears to contain the most recent developments, the Pre-Trial Judge will solely consider the Amended Request thereafter. The Pre-Trial Judge urges the Defence to ensure in the future that its filings are clearly presented in order to prevent any ambiguity and, if applicable, to advise immediately when a filing should no longer be processed by the Court Management Unit in order to facilitate the processing and distribution of filings.

7. The Pre-Trial Judge also reiterates to the Defence that, 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. Nevertheless, considering the importance of the funding situation,⁷ the Pre-Trial Judge accepts to entertain the Amended Request on an exceptional basis.

8. As regards the showing of good cause, the Pre-Trial Judge notes that, since the last submissions on the matter,⁸ the Defence has made progress with the

⁴ The Pre-Trial Judge notes that the Request was filed at 05h49 hours and the Amended Request was filed at 06h58 hours.

⁵ KSC-BC-2023-10, F00233, Pre-Trial Judge, *Decision on Request for Extension of Time*, 15 April 2024, public, para. 6.

⁶ *Compare* Request, para. 3 *with* Amended Request, paras 3-4.

⁷ See KSC-BC-2023-10, F00253, Pre-Trial Judge, *Decision Setting Out the Calendar for the Remaining Procedural Steps of the Pre-Trial Phase*, 27 March 2024, public, para. 14.

⁸ See KSC-BC-2023-10, F00250, Defence, *Bahtijari Filing for Legal Aid Extension*, 12 April 2024, public.

preparation of the application to request legal aid before the Registry. The Pre-Trial Judge notes in particular that: (i) all relevant documents for the submission of the Defence's legal aid application have been provided by Mr Bahtijari; and (ii) some outstanding supporting documentation has been obtained.⁹ The Pre-Trial Judge further pays heed to the fact that: (i) one outstanding supporting document should be available in the coming week; and (ii) remaining supporting documentation has been requested but has not yet reached Counsel for Mr Bahtijari.¹⁰ Accordingly, the Pre-Trial Judge finds that good cause has been shown, warranting the requested extension of time.

IV. DISPOSITION

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

- a) **GRANTS** the Amended Request;
- b) **ORDERS** the Defence to complete and submit the application seeking legal aid before the Registry, as well as to inform the Pre-Trial Judge thereof, by **Monday, 29 April 2024**; and
- c) **ORDERS** the Defence to submit a public redacted version of the Amended Request, by **Monday, 29 April 2024**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Friday, 19 April 2024
At The Hague, the Netherlands.

⁹ Amended Request, paras 2-3.

¹⁰ Amended Request, paras 4-6.