

In: KSC-BC-2023-10
Specialist Prosecutor v. Sabit Januzi, Ismet Bahtijari and Haxhi Shala

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Haxhi Shala

Date: 19 April 2024

Language: English

Classification: Confidential

**Haxhi Shala Request for an Extension of Time to File its Submission of Requests
Related to the Disclosure Process**

Specialist Prosecutor

Kimberly P. West

Counsel for Sabit Januzi

Jonathan Elystan Rees

Huw Bowden

Counsel for Ismet Bahtijari

Dr. Felicity Gerry

James O'Keefe

Counsel for Haxhi Shala

Toby Cadman

John Cubbon

Almudena Bernabeu

I. INTRODUCTION

1. The Defence for Mr. Haxhi Shala (“Defence”) write to update the Court that it is unable to adhere to today’s deadline for submission of requests related to the disclosure process. The Defence kindly requests further time to make its filing.
2. In his “Decision Setting out the Calendar for the Remaining Procedural Steps of the Pre-Trial Phase” of 27 March 2024¹ the Pre-Trial Judge set a deadline of today (19 April 2024) for the Defence to submit requests related to the disclosure process including objections pursuant to Rule 95(2)(e) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers² (“Rules”) to the admissibility of evidentiary material disclosed pursuant to Rule 102.³
3. At 13:19 (Central European Time) today, the Special Prosecutor’s Office (“SPO”) disclosed its ‘Disclosure 26’ revised transcripts of the recording of what purports to be a conversation on 12 April 2023 between Witness 1 and

¹ F00233

² KSC-BD-03/Rev3/2020.

³ F00233, paras. 23, 30(e).

Sabit Januzi⁴ which Witness 1's wife (W04891) allegedly made on her mobile telephone.⁵

II. THE DEFENCE'S POSITION

4. The Defence intend to object to the admissibility of the recording⁶ and its accompanying transcripts⁷ ("Impugned Evidence"). However, the Defence cannot file its response today in light of the further disclosure it has just received from the SPO. The Defence will now require additional time to consider it and make its filing.
5. In addition, the Defence note that on 5 April 2024 the SPO stated that it would disclose materials relating to the recording to be obtained pursuant to the Pre-Trial Judge's Decision of 21 December 2023 after they had been received and processed⁸ and sought authorisation to add them to the Exhibit List.⁹ This evidence will be of direct relevance to the admissibility of the transcripts and recording. As such, the Defence will need time to consider all of the evidence provided once it has been received and to make its filing thereafter. The

⁴ KSC-BC-2023-10-116623-01-TR-AT Revised; KSC-BC-2023-10-116623-01-TR-AT-ET Revised.

⁵ KSC-BC-2023-11-117751-TR-ET Part 1 RED, pp. 9-10.

⁶ 116623-01.

⁷ 116623-01-TR-AT; 116623-01-TR-AT-ET

⁸ KSC-BC-2023-10/F00242, Prosecution request for Rule 102(1)(b) disclosure and to amend exhibit list, 5 April 2024, confidential, para. 2

⁹ F00242, para. 5.

Defence notes that the SPO has not yet disclosed the materials to be obtained pursuant to the Pre-Trial Judge's Decision or given a specific date for its disclosure and that therefore the Defence is not in a position to specify a date by which it will be able to make its intended filing.

III. CLASSIFICATION

6. This filing has been classified as confidential since it refers to the contents of materials disclosed by the SPO which are not yet public. The Defence does not oppose its reclassification as public.

IV. CONCLUSION

7. The Defence kindly request an extension of time-period for objecting to the admissibility of the Impugned Evidence so as to enable it to give proper consideration to all relevant materials after they have been disclosed.

Word Count: [483 words]



Toby Cadman

Specialist Counsel

Friday, 19 April 2024

At Istanbul, Türkiye