

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

Filing Participant: **Specialist Counsel for Ismet Bahtijari**

Date: 31 May 2024

Language: English

Classification: Public

BAHTIJARI FILING TO EXTEND TIME FOR FILING A PRE TRIAL BRIEF

Specialist Prosecutor's Office

Kimberly P. West

Counsel for Sabit Januzi

Jonathan Rees KC

Huw Bowden

Counsel for Ismet Bahtijari

Felicity Gerry KC

Counsel for Haxhi Shala

Toby Cadman

I. APPLICATION AND BACKGROUND

1. This is an application to extend time for filing a pre- trial brief.
2. The pre-trial brief is currently due on 7 June 2024
3. This application is to extend time to 20 June 2024

II. SUBMISSIONS

4. Mr Bahtijari and his counsel are concerned that his case is progressed swiftly. However, there are several matters which require more time.
 - a. There is a challenge to the proposed changes to the indictment which, as yet, is not resolved so, in principle, the pre- trial brief cannot be completed until it is known exactly what needs to be answered.
 - b. Legal aid was granted this month. No payment has yet been made as a claim cannot be filed until today so there are currently no funds.
 - c. MOJ funds have been delayed as their printer was struggling with documents and they have now required a specific bank letter which will take time to obtain.
 - d. Counsel is currently working alone against a much larger SPO team and dealing with new disclosures and filings most days as well as all the necessary defence tasks.
 - e. A provisional team of part time co-counsel and part time assistants has been identified (having regard to budgetary restraints) but the paperwork process to on board them as a team is not swift. This will be dealt with as quickly as possible but cannot realistically be achieved before 7 June 2024
 - f. Defence investigations are necessary in Kosovo. An application needs to be made for approval and co-counsel needs to be assigned to carry out these duties. He was appointed but needs to file the assignment documents.

- g. Medical records and reports are still awaited which may go to potential defences and other issues. By 20 June it may only be possible to mention these (as suggested in the previous filing) but it is hoped that there will be progress by 20 June.
- h. As the court is aware, it takes time to complete documents with Mr Bahtijari. He also struggles with the SEDs system so producing such an important document needs to be done carefully. Counsel is hoping to see him in person on 13 June.

III. CONCLUSION

- 5. It is submitted that this request is in good time.
- 6. Counsel apologises that her last filing was late.

Word Count: 345

A handwritten signature in black ink, appearing to read 'Felicity Gerry', with a long, sweeping underline that extends to the right.

Dr Felicity Gerry KC

Counsel for Mr Bahtijari

31 May 2024

At Melbourne, Australia