

**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:** 2 June 2024

**Language:** English

**Classification:** Public

---

**Response to Bahtijari Filing to Extend Time for Filing a Pre-Trial Brief**

---

**Specialist Prosecutor**

Kimberly P. West

**Counsel for Sabit Januzi**

Jonathan Elystan Rees KC

**Counsel for Ismet Bahtijari**

Dr. Felicity Gerry KC

**Counsel for Haxhi Shala**

Toby Cadman

## I. INTRODUCTION

1. On 31 May 2024, the Defence for Mr. Ismet Bahtijari submitted the 'Bahtijari Filing to Extend Time for Filing a Pre-Trial Brief' ("Bahtijari Filing").<sup>1</sup>
2. The Defence for Mr. Haxhi Shala hereby responds to the Bahtijari Filing.
3. On 31 May 2024 the Pre-Trial Judge instructed the Specialist Prosecutor's Office, the Defence for Mr Januzi and the Defence for Mr Shala, should they wish to do so, to file a response to the Filing, by Tuesday, 4 June 2024 at 12h00.

## II. SUBMISSIONS

4. In the Decision Setting out the Calendar for the Remaining Procedural Steps of the Pre-Trial Phase ("Decision"),<sup>2</sup> the Pre-Trial Judge ordered the Defence teams of Sabit Januzi, Ismet Bahtijari and Haxhi Shala to submit a Pre-Trial Brief, if any, by Friday, 7 June 2024.<sup>3</sup>

---

<sup>1</sup> KSC-BC-2023-10/F00310, 31 May 2024.

<sup>2</sup> KSC-BC-2023-10/F00233, 27 March 2024.

<sup>3</sup> Decision, para. 30(i).

5. In the Bahtijari Filing the Defence for Mr. Bahtijari seeks an extension of the time for filing a Pre-Trial Brief from 7 June to 20 June 2024.<sup>4</sup> It is noted that this proposed deadline is one day prior to the submission of the case to the Trial Panel.
6. The grounds relied upon for seeking an extension of time are set out at paragraph 4 of the Bahtijari Filing and relate to (a) procedural challenges to the joined indictment; (b) challenges in securing legal aid and the allocation of sufficient funding for the defence team; (c) the necessity of defence investigations; and (d) the ill-health of Mr. Bahtijari.<sup>5</sup>
7. The Defence for Mr Shala is conscious that the grounds relied upon, with the exception of the ill-health consideration, are matters that affect all the defence teams and continue to present real challenges to the effective and efficient progress of this case. The Defence for Mr Shala have already requested the convening of a Status Conference<sup>6</sup> to ensure this matter can progress to trial within a reasonable time period taking into account the accused remain remanded in custody.

---

<sup>4</sup> Bahtijari Filing, para. 3.

<sup>5</sup> Bahtijari Filing, para. 4.

<sup>6</sup> KSC-BC-2023-10/F00292, 16 May 2024.

8. At the last Status Conference held on 22 March 2024,<sup>7</sup> the Defence for Mr Shala set out its concern that these matters must proceed expeditiously being conscious of the amount of time Mr Shala has now been detained.
9. The Defence for Mr Shala is planning to file a Pre-Trial Brief by the date set in the Decision but remains neutral on the extension of time that the Defence for Mr. Bahtijari is seeking.

### III. CLASSIFICATION

10. This filing is filed public and contains no information deemed confidential.

**Word Count: [446 words]**



---

**Toby Cadman, Specialist Counsel**

**2 June 2024**

**At London, United Kingdom**

---

<sup>7</sup> Transcript of the Status of Conference of 22 March 2024, p. 220, lines 20 -25.