



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

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

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

**Before:** **Pre-Trial Judge**

Judge Marjorie Masselot

**Registrar:** Dr Fidelma Donlon

**Date:** 20 June 2024

**Language:** English

**Classification:** **Public**

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**Decision on Januzi Request for Extension of Time**

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**Specialist Prosecutor**

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THE PRE-TRIAL JUDGE,<sup>1</sup> pursuant to Article 39(1) and (13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and 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

1. On 27 March 2024, the Pre-Trial Judge issued the "Decision Setting out the Calendar for the Remaining Procedural Steps of the Pre-Trial Phase" ("Pre-Trial Calendar Decision") in which he, *inter alia*, ordered the Defence for Sabit Januzi ("Mr Januzi" and "Januzi Defence"), the Defence for Ismet Bahtijari ("Mr Bahtijari and "Bahtijari Defence") and the Defence for Haxhi Shala ("Shala Defence") (together "Defence Teams" or "Accused") to submit a pre-trial brief, if any, by no later than Friday, 7 June 2024.<sup>2</sup>
2. On 5 June 2024, pursuant to a request by the Bahtijari Defence,<sup>3</sup> the Pre-Trial Judge extended the deadline for the filing of the Pre-Trial Brief for all Defence Teams to 20 June 2024 ("First Extension Decision").<sup>4</sup>
3. On 17 June 2024, the Januzi Defence filed an application seeking a further extension of the time limit set by the Pre-Trial Judge for the filing of its Pre-Trial Brief ("Request").<sup>5</sup>

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<sup>1</sup> KSC-BC-2023-10, F00327, President, *Decision Assigning a Pre-Trial Judge*, 6 June 2024, public.

<sup>2</sup> KSC-BC-2023-10, F00233, Pre-Trial Judge, *Decision Setting Out the Calendar for the Remaining Procedural Steps of the Pre-Trial Phase*, 27 March 2024, public, paras 27, 30(i).

<sup>3</sup> KSC-BC-2023-10, F00310, Defence for Mr Bahtijari, *Bahtijari Filing to Extend Time for Filing a Pre-Trial Brief*, 31 May 2024, public.

<sup>4</sup> KSC-BC-2023-10, F00324, Pre-Trial Judge, *Decision on Bahtijari Request for Extension of Time*, 5 June 2024, public.

<sup>5</sup> KSC-BC-2023-10, F00340, Defence for Mr Januzi, *Januzi Request to Extend Time for Filing a Pre-Trial Brief*, 17 June 2024, public.

4. On 18 June 2024, the Specialist Prosecutor's Office ("SPO") indicated that it does not intend to respond to the Request.<sup>6</sup>
5. On 19 June 2024, the Shala Defence responded to the Request ("Shala Response").<sup>7</sup>
6. On the same day, the Bahtijari Defence indicated that it does not intend to respond to the Request.<sup>8</sup>
7. Further, on the same day, the Bahtijari Defence submitted a pre-trial brief pursuant to Rule 95(5) of the Rules.<sup>9</sup>

## II. SUBMISSIONS

8. The Januzi Defence submits that the circumstances supporting a finding of good cause in the First Extension Decision have not changed, as the determination on whether a grounded suspicion has been established with regard to the amendments to the indictment against Mr Januzi and Mr Bahtijari ("Indictment") requested by the SPO ("Decision on the SPO Amendment Request") remains pending.<sup>10</sup> On this basis, the Januzi Defence submits that there is good cause to extend the time limit and requests an extension of time to file its pre-trial brief, until seven (7) days following notification of the Decision on the SPO Amendment Request.<sup>11</sup>
9. The Shala Defence does not oppose the Request, but reiterates its concern that the case proceed expeditiously, considering that the Accused remain in custody.<sup>12</sup>

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<sup>6</sup> KSC-BC-2023-10, CRSPD59, *Email from SPO to Pre-Trial Judge re Response to F00340*, 18 June 2024, at 12:13 hours, confidential. *See also* CRSPD59, *Email from Pre-Trial Judge to Parties re Response to F00340*, 18 June 2024, at 11:13 hours, confidential.

<sup>7</sup> KSC-BC-2023-10, F00342, *Defence for Mr Shala, Response to Januzi Filing to Extend Time for Filing Pre-Trial Brief*, 19 June 2024, public. *See also* CRSPD59, *Email from Shala Defence re Response to F00340*, 18 June 2024, at 15:47 hours, confidential.

<sup>8</sup> KSC-BC-2023-10, CRSPD59, *Email from Bahtijari Defence to Pre-Trial Judge re Response to F00340*, 19 June 2024, at 11:04 hours, confidential.

<sup>9</sup> KSC-BC-2023-10, F00343, *Defence for Mr Bahtijari, Bahtijari Pre Trial Brief*, 19 June 2024, confidential.

<sup>10</sup> Request, paras 2, 4-6.

<sup>11</sup> Request, paras 6-7.

<sup>12</sup> Shala Response, paras 12-14.

### III. APPLICABLE LAW

10. Pursuant to Article 39(1) of the Law, the Pre-Trial Judge shall have the power to make any necessary orders or decisions to ensure the case is prepared properly and expeditiously for trial.

11. Pursuant to Article 39(13) of the Law and Rule 95(2) of the Rules, the Pre-Trial Judge shall ensure that the pre-trial proceedings are not unduly delayed and shall take all necessary measures for the expeditious preparation of the case for trial.

12. 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.

13. 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.

14. Pursuant to Rule 95(5) of the Rules, after submission of the items under Rule 95(4) of the Rules, the Pre-Trial Judge shall invite the Defence to file a pre-trial brief within a set time limit.

15. Pursuant to Rule 95(2)(j) of the Rules, the Pre-Trial Judge shall set a target date for the readiness of the case for trial.

### IV. DISCUSSION

16. At the outset, the Pre-Trial Judge finds that the Request was submitted sufficiently in advance, in accordance with Rule 76 of the Rules.

17. As regards the showing of good cause, while mindful of the need to ensure that the case is prepared expeditiously for trial, the Pre-Trial Judge also pays heed to the fact that: (i) Mr Januzi intends to file a Pre-Trial Brief; (ii) a determination on whether

a well-grounded suspicion has been established in relation to the amendments to the Indictment against Mr Bahtijari and Mr Januzi requested by the SPO pursuant to Rule 86(4) of the Rules is still forthcoming;<sup>13</sup> and (iii) Mr Januzi finds that a resolution on matters pertaining to the Indictment is necessary to enable him to respond to the charges in his Pre-Trial Brief. The Pre-Trial Judge further pays heed to the fact that the Shala Defence, the Bahtijari Defence, and the SPO do not oppose the Request.<sup>14</sup>

18. In light of the foregoing, the Pre-Trial Judge finds that, under the present circumstances, good cause has been shown, warranting a further extension of time. The Pre-Trial Judge further finds it appropriate to extend the deadline for the filing of the pre-trial brief, if any, for all Defence Teams, to seven (7) days following notification of the Decision on the SPO Amendment Request. The Pre-Trial Judge specifies in that regard that the Bahtijari Defence may file, if it so wishes, an updated pre-trial brief, within the aforementioned time limit.

19. Furthermore, having regard to the above and considering the substantive nature of the pending matter, the Pre-Trial Judge decides to postpone the date for the transmission of the case file to the Trial Panel, which was set to be 5 July 2024.<sup>15</sup> The Pre-Trial Judge finds that a postponement until issuance of the Decision on the SPO Amendment Request is necessary under the present circumstances, and accordingly sets the new tentative date for transmitting the case file to the Trial Panel to fourteen (14) days following notification of the Decision on the SPO Amendment Request.

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<sup>13</sup> See KSC-BC-2023-10, KSC-BC-2023-10, F00189, Specialist Prosecutor, *Request to Amend Pursuant to Rule 90(1)(b)*, 27 February 2024, confidential, with Annexes 1-2, confidential; F00294, Pre-Trial Judge, *Decision on Prosecution Request to Amend the Indictment*, 17 May 2024, confidential, paras 45-46.

<sup>14</sup> See *supra* paras 4, 6, 9.

<sup>15</sup> See First Extension Decision, paras 19, 20(c).

## V. DISPOSITION

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

- a) **GRANTS** the Request;
- b) **ORDERS** the Defence Teams to submit a pre-trial brief, if any, by seven (7) days following notification of the Decision on the SPO Amendment Request; and
- c) **SETS** the new tentative date for transmitting the case file to the Trial Panel to fourteen (14) days following notification of the Decision on the SPO Amendment Request.



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**Judge Marjorie Masselot**  
**Pre-Trial Judge**

Dated this Thursday, 20 June 2024  
At The Hague, the Netherlands.