



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2023-10  
**The Prosecutor v. Sabit Januzi and Ismet Bahtijari**

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filed by:** Registrar

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**Public Redacted Version of “Registrar’s Submissions Pursuant to Order for Further Submissions (F00079), with confidential and *ex parte* (redacted) Annexes 1-4” (F00096)**

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**Specialist Prosecutor**

Kimberly P. West

**Counsel for Sabit Januzi**

Jonathan Rees

**Counsel for Ismet Bahtijari**

Felicity Gerry

**Counsel for Haxhi Shala**

Toby Cadman

## I. INTRODUCTION

1. Pursuant to [REDACTED], the Registrar hereby provides the additional information [REDACTED] related to the transfer of Mr Sabit Januzi ('Mr Januzi') and Mr Ismet Bahtijari ('Mr Bahtijari') to the Detention Facilities of the Specialist Chambers ('SC Detention Facilities') in The Hague, the Netherlands ('Host State').<sup>1</sup>

## II. PROCEDURAL HISTORY

2. On 5 October 2023, Mr Januzi and Mr Bahtijari (the 'Accused') were arrested in Kosovo.<sup>2</sup> The following day, they were transferred to the SC Detention Facilities, and the Registrar submitted reports on the arrest and transfer of the Accused ('Arrest and Transfer Reports'),<sup>3</sup> in line with the Pre-Trial Judge's decision.<sup>4</sup>

3. [REDACTED]<sup>5</sup> [REDACTED].<sup>6</sup> [REDACTED].

## III. APPLICABLE LAW

4. Pursuant to Articles 41(5) and (7) of the Law,<sup>7</sup> a person deprived of liberty by or on behalf of the SC shall be transferred by way of travel specified in an order to the SC, and such persons may be detained in detention facilities overseen by the SC and managed by the Registry near the seat of the SC in the Host State if proceedings are relocated thereto.

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<sup>1</sup> [REDACTED].

<sup>2</sup> F00011, Notification of Arrest of Ismet Bahtijari Pursuant to Rule 55(4), 5 October 2023, strictly confidential and *ex parte*; F00012, Notification of Arrest of Sabit Januzi Pursuant to Rule 55(4), 5 October 2023, strictly confidential and *ex parte*.

<sup>3</sup> F00020/COR, Report on the Arrest and Transfer of Sabit Januzi to the Detention Facilities, 9 October 2023, confidential ('Registry Report on Mr Januzi'); F00021, Report on the Arrest and Transfer of Ismet Bahtijari to the Detention Facilities, 9 October 2023, confidential ('Registry Report on Mr Bahtijari').

<sup>4</sup> F00009, Decision on Request for Arrest Warrants and Transfer Orders, 2 October 2023, confidential, paras 28, 29(g).

<sup>5</sup> [REDACTED].

<sup>6</sup> [REDACTED].

<sup>7</sup> Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

5. Pursuant to Rule 55(4) of the Rules,<sup>8</sup> upon notification of the arrest of a person by the competent authorities, the Registrar shall make the necessary arrangements, with the competent authorities and the Host State, for the prompt transfer of the arrested person to a detention facility of the SC.
6. Pursuant to Detention Rule 10(4),<sup>9</sup> upon a Detainee's reception at the SC Detention Facilities, the Detainee's person, clothes, and belongings shall be searched, in accordance with Detention Rule 25 and Detention Rule 39. Any prohibited items shall be addressed and retained in accordance with the procedures set forth in those Detention Rules.
7. Pursuant to Detention Rule 10(5), the Chief Detention Officer shall record in an inventory all monies, valuables, clothing, and other items belonging to the Detainee, including any items prohibited under Detention Rule 25. The Detainee and the Chief Detention Officer shall sign the inventory, which shall be placed in the Detainee's Personal Record.
8. Pursuant to Detention Rule 10(6), any item that the Detainee is not allowed to retain shall: (a) be placed in safe custody at the SC Detention Facilities; or (b) at the request and expense of the Detainee, be sent to an address provided by him or her, subject to the authorisation of the Registrar.
9. Pursuant to Detention Rule 10(7), the Detainee shall be informed in writing of any confiscation or destruction of items and the reasons therefor, which shall also be noted in the Detainee's Personal Record.
10. Pursuant to Detention Rule 24(4), a Detainee may keep personal items in his or her possession unless such items are prohibited pursuant to Detention Rule 25.

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<sup>8</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev2, 2 June 2020.

<sup>9</sup> Rules of Detention, KSC-BD-08-Rev1, 23 September 2020 ('Detention Rules').

11. Pursuant to Detention Rule 25 and the DMU Instruction on Items and Substances Prohibited in the Detention Facilities, any devices and items that can be used for electronic communications, including mobile telephones, are prohibited.<sup>10</sup>
12. Pursuant to Detention Rule 29, upon release of a Detainee from the Detention Facilities, money and all items retained pursuant to the Detention Rules that belong to the Detainee shall be returned to the Detainee.
13. Pursuant to Detention Rule 59(3), on the Premises of the SC other than the SC Detention Facilities located in the Prison in the Host State, the Head of the Security and Safety Unit of the Registry ('SSU') shall carry out the roles and responsibilities of the Chief Detention Officer set out in Detention Rule 4.
14. Pursuant to Detention Rule 59(4), the Detention Rules and any practice directions and instructions adopted or issued thereunder apply to a Detainee *mutatis mutandis* during transfer.

#### IV. SUBMISSIONS

15. As set forth in the Arrest and Transfer Reports, the transfer of the Accused into the custody of the SC was accomplished by the Registry's mission security coordinator ('MSC') and the Registry's escort team, accompanied by an interpreter.<sup>11</sup> [REDACTED],<sup>12</sup> what follows is further information on the transfer of the Accused's belongings (or 'personal property') from the SPO to SC Registry personnel in Kosovo for onward delivery to the SC Detention Facilities.

##### **(a) Legal Basis for the Transfer of the Accused's Belongings**

16. On 2 October 2023, pursuant to Article 41(7) of the Law and Rule 55(4) of the Rules, the Pre-Trial Judge ordered the Registrar to execute the order for transfer and

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<sup>10</sup> DMU Instruction on Items and Substances Prohibited in the Detention Facilities, KSC-BD-31, 23 September 2020, sect. 3(1)(q).

<sup>11</sup> Registry Report on Mr Januzi, para. 17; Registry Report on Mr Bahtijari, para. 18.

<sup>12</sup> [REDACTED].

to make the necessary arrangements for the prompt transfer of the Accused to the SC Detention Facilities in the Host State.<sup>13</sup> To do so, the Registrar rapidly deployed a transfer team led by [REDACTED] acting as MSC, together with duly trained staff members [REDACTED] acting as escorting officers.<sup>14</sup>

17. Detention Rule 59(4) specifies that the Detention Rules themselves, as well as any practice directions and instructions adopted or issued thereunder, apply to a detainee *mutatis mutandis* during transfer.<sup>15</sup> In addition, pursuant to Detention Rule 59(3), on the Premises of the SC<sup>16</sup> other than the SC Detention Facilities located within the Prison in the Host State, the Head of SSU carries out the roles and responsibilities of the Chief Detention Officer, adapted as necessary to the particular security environment. The Head of SSU may also delegate the powers and specific functions that Detention Officers would normally exercise to duly trained members of SSU, including the functions set forth in Detention Rule 39 related to personal searches.<sup>17</sup>

18. On 5 October 2023, [REDACTED], acting as MSC, signed for the transfer of custody of the Accused to the SC, together with their personal belongings.<sup>18</sup> Upon transfer, the MSC, assisted by the escort team, exercised the necessary responsibilities under Detention Rule 59, recorded an inventory of the Accused's personal belongings under Detention Rule 10, and retained those belongings throughout the transfer operation until they were delivered to the Chief Detention Officer in the SC Detention Facilities for reception and further processing in accordance with the Detention Rules.

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<sup>13</sup> Decision on Request for Arrest Warrants and Transfer Orders, 2 October 2023, confidential, para. 25.

<sup>14</sup> [REDACTED].

<sup>15</sup> Detention Rule 59

<sup>16</sup> Pursuant to Detention Rule 2, the "Premises" of the SC is defined as: "Any of the buildings, parts of buildings, areas, installations, or facilities made available to and maintained, occupied, or used by the [SC] or the [SPO] in connection with their functions and purposes".

<sup>17</sup> See also Article 34(12) of the Law ("The Specialist Chambers correction/detention officers shall have the authority and responsibility to exercise powers given to Kosovo Correctional Officers under Kosovo law and, in accordance with the modalities established by this Law.").

<sup>18</sup> Registry Report on Mr Januzi, para. 18; Registry Report on Mr Bahtijari, para. 19.

**(b) Transfer of Custody of the Accused's Belongings**

19. As described further below, the Accused's belongings were in the safe and secure custody of the MSC and the escort team from the time of transfer until their delivery to the SC Detention Facilities. Upon arrival at the SC Detention Facilities, the Accused's belongings were inventoried and, where required, retained and stored in the safe and secure custody of the Chief Detention Officer in the DMU.

20. Although no photographs were taken of the Accused's belongings during the transfer operation, the Accused's belongings were recorded and itemized as part of the transfer of the Accused's personal property from the SPO to the MSC and from the MSC to the DMU. The belongings were then inventoried and recorded by the Chief Detention Officer as part of the reception procedure for the belongings of all Detainees under Detention Rule 10.

**i. Mr Januzi's Belongings**

21. With regard to Mr Januzi, at 10:58 on 5 October 2023, the MSC signed for the transfer of Mr Januzi's belongings.<sup>19</sup>

22. The belongings transferred by the SPO to the Registry were itemized [REDACTED].<sup>20</sup> The itemized list included [REDACTED].<sup>21</sup> This list was cross-checked by the MSC in the presence of Mr Januzi to ensure that all items on the list were accounted for.<sup>22</sup> Among other belongings, the MSC confirmed that [REDACTED] was transferred as part of Mr Januzi's belongings.<sup>23</sup> [REDACTED].<sup>24</sup>

23. From the time of transfer on 5 October 2023 until the next day on 6 October 2023, the list of transferred items remained in the custody of the MSC and escort team. The

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<sup>19</sup> Registry Report on Mr Januzi, para. 18; Annex 3 to Registry Report on Mr Januzi (Transfer of Custody, p. 18).

<sup>20</sup> Annex 3 to Registry Report on Mr Januzi (Transfer of Custody, p. 16).

<sup>21</sup> Annex 3 to Registry Report on Mr Januzi (Transfer of Custody, p. 16).

<sup>22</sup> Annex 3 to Registry Report on Mr Januzi (Transport Log, p. 1).

<sup>23</sup> Annex 3 to Registry Report on Mr Januzi (Property Handover).

<sup>24</sup> [REDACTED]. See also Annex 3 to Registry Report on Mr Januzi (Property Handover).

transferred items were stored in [REDACTED] in the SC transfer facility, to which only the MSC and escort team had access.

24. On the morning of 6 October 2023, the night clothes and toiletries provided by the MSC to Mr Januzi in the transfer facility the evening before were added to Mr Januzi's other belongings.<sup>25</sup> In anticipation of transport, the MSC prepared a property handover list that included the list of SPO-transferred items and the additional clothing items and toiletries that Mr Januzi received while in the transfer facility.<sup>26</sup> To distinguish Mr Januzi's belongings during transport, all of his belongings were placed in a carrier bag [REDACTED].<sup>27</sup>

25. As set forth in the Registry Report on Mr Januzi, at 17:50 on 6 October 2023, Mr Januzi was transferred into the custody of the Transport and Support Service of the Dutch Prison Administration ('DV&O').<sup>28</sup>

26. The MSC retained custody of Mr Januzi's belongings and immediately thereafter delivered the belongings directly to the Chief Detention Officer in the DMU.<sup>29</sup> Following transport, the MSC [REDACTED].

27. Mr Januzi's personal belongings were inventoried by the Chief Detention Officer in accordance with the reception procedure and Detention Rule 10. When completing the inventory, all belongings were removed from any carrier bags so that they could be identified and recorded.<sup>30</sup> [REDACTED].

28. On 9 October 2023, the Chief Detention Officer [REDACTED]. [REDACTED]. Since 9 October 2023, [REDACTED].

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<sup>25</sup> Annex 3 to Registry Report on Mr Januzi (Transport Log, p. 11).

<sup>26</sup> Annex 3 to Registry Report on Mr Januzi (Property Handover).

<sup>27</sup> Annex 3 to Registry Report on Mr Januzi (Property Handover).

<sup>28</sup> Registry Report on Mr Januzi, para. 31.

<sup>29</sup> Registry Report on Mr Januzi, para. 31; Annex 3 to Registry Report on Mr Januzi (Property Handover) [REDACTED].

<sup>30</sup> See Annex 1, Inventory of Personal Belongings, Detention Rule 10 (Mr Januzi), 6 October 2023, confidential and *ex parte*. See also Annex 3, which is a confidential and *ex parte* (redacted) version of Annex 1.



## ii. Mr Bahtijari's Belongings

29. With regard to Mr Bahtijari, at 12:43 on 5 October 2023, the MSC signed for the transfer of Mr Bahtijari's belongings.<sup>31</sup> The belongings transferred by the SPO to the Registry were itemized [REDACTED].<sup>32</sup> The itemized list included [REDACTED].<sup>33</sup> This list was cross-checked by the MSC in the presence of Mr Bahtijari to ensure that all items on the list were accounted for.<sup>34</sup> Among other belongings, the MSC confirmed that [REDACTED].<sup>35</sup> [REDACTED].<sup>36</sup>

30. From the time of transfer on 5 October 2023 until the next day on 6 October 2023, the list of transferred items remained in the custody of the MSC and escort team. The transferred items were stored in [REDACTED] in the SC transfer facility, to which only the MSC and escort team had access.

31. On the morning of 6 October 2023, the night clothes and toiletries provided by the MSC to Mr Bahtijari in the transfer facility the evening before were added to Mr Bahtijari's other belongings.<sup>37</sup> In anticipation of transport, the MSC prepared a property handover list that included the list of transferred items and the additional clothing items and toiletries that Mr Bahtijari received while in the transfer facility.<sup>38</sup> To distinguish Mr Bahtijari's belongings during transport, all of his belongings were placed in a carrier bag [REDACTED].<sup>39</sup>

32. As set forth in the Registry Report on Mr Bahtijari, at 17:55 on 6 October 2023, Mr Bahtijari was transferred into the custody of the Transport and Support Service of the Dutch Prison Administration ('DV&O').<sup>40</sup>

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<sup>31</sup> Registry Report on Mr Bahtijari, para. 19; Annex 3 to Registry Report on Mr Bahtijari (Transfer of Custody, p. 18).

<sup>32</sup> Annex 3 to Registry Report on Mr Bahtijari (Transfer of Custody, p. 16).

<sup>33</sup> Annex 3 to Registry Report on Mr Bahtijari (Transfer of Custody, p. 16).

<sup>34</sup> Annex 3 to Registry Report on Mr Bahtijari (Transport Log, p. 2).

<sup>35</sup> Annex 3 to Registry Report on Mr Bahtijari (Property Handover).

<sup>36</sup> [REDACTED]. *See also* Annex 3 to Registry Report on Mr Bahtijari (Property Handover).

<sup>37</sup> Annex 3 to Registry Report on Mr Bahtijari (Transport Log, p. 14).

<sup>38</sup> Annex 3 to Registry Report on Mr Bahtijari (Property Handover).

<sup>39</sup> Annex 3 to Registry Report on Mr Bahtijari (Property Handover).

<sup>40</sup> Registry Report on Mr Bahtijari, para. 34.



33. The MSC retained custody of Mr Bahtijari's belongings and immediately thereafter delivered the belongings directly to the Chief Detention Officer in the DMU.<sup>41</sup> Following transport, the MSC [REDACTED].

34. Mr Bahtijari's personal belongings were inventoried by the Chief Detention Officer in accordance with the reception procedure and Detention Rule 10. When completing the inventory, all belongings were removed from any carrier bags so that they could be identified and recorded.<sup>42</sup> [REDACTED].

35. On 9 October 2023, the Chief Detention Officer [REDACTED]. [REDACTED]. Since 9 October 2023, [REDACTED].

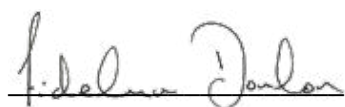
## V. CLASSIFICATION

36. This submission is filed as confidential pursuant to Rule 82(4) of the Rules.

37. Annexes 1-2 to this submission are filed as confidential and *ex parte*, for distribution to the Pre-Trial Judge, Registrar, and Specialist Prosecutor only.

38. Annexes 3-4 to this submission are filed as confidential and *ex parte* redacted versions of Annexes 1-2, to enable distribution to Duty Counsel for each of the Accused, respectively, [REDACTED].<sup>43</sup> The redactions are necessary to protect the identifying information of Registry staff.

**Word count: 3235**



**Dr Fidelma Donlon**  
**Registrar**

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<sup>41</sup> Registry Report on Mr Bahtijari, para. 34; Annex 3 to Registry Report on Mr Bahtijari (Property Handover) [REDACTED].

<sup>42</sup> See Annex 2, Inventory of Personal Belongings, Detention Rule 10 (Mr Bahtijari), 6 October 2023, confidential and *ex parte*. See also Annex 4, which is a confidential and *ex parte* (redacted) version of Annex 2.

<sup>43</sup> [REDACTED].

Wednesday, 8 November 2023  
At The Hague, the Netherlands