

**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

**Filing Participant:** Specialist Counsel for Sabit Januzi

**Date:** 15 July 2024

**Language:** English

**Classification:** Public

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**Januzi Application to Extend the Time Limit  
for the Filing of Defence Pre-Trial Briefs**

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## I. INTRODUCTION

1. On Friday 12 July 2024, the Pre-Trial Judge vacated the present date of 15 July 2024 for the filing any defence pre-trial brief<sup>1</sup>.
2. It is hereby submitted that any new time limit for the filing of a defence pre-trial brief is set at seven days following notification of the final determination of any preliminary motion (including any interlocutory appeal in relation thereto).

## II. SUBMISSIONS

3. The deadline for the filing of any defence pre-trial brief has previously been extended on two earlier occasions, due to the late application by the Prosecution to add a new charge to the indictment faced by the Accused and the lack of a final determination in relation thereto.
4. On 5 June 2024, the Pre-Trial Judge, acknowledging that there was ongoing litigation in relation to the scope of the indictment, extended the deadline for the filing of the Pre-Trial Brief, if any, for all Defence Teams to 20 June 2024<sup>2</sup>.
5. On 20 June 2024, the Pre-Trial Judge, acknowledging that there was still ongoing litigation in relation to the scope of the indictment, extended the deadline for the filing of the Pre-Trial Brief, if any, to seven days following notification of the decision on the request by the SPO to add the new charge to the indictment<sup>3</sup>.

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<sup>1</sup> KSC-BC-2023-10/F00382, *Decision Concerning Case Calendar*, Pre-Trial Judge, 12 July 2024, Public

<sup>2</sup> KSC-BC-2023-10/F00324, *Decision on Bahtijari Request for Extension of Time*, Pre-Trial Judge, 5 June 2024, Public

<sup>3</sup> KSC-BC-2023-10/F00345, *Decision on Januzi Request for Extension of Time*, Pre-Trial Judge, 20 June 2024, Public

6. Notification of that decision was received by the Accused on 8 July 2024<sup>4</sup>. In confirming the new charge, however, the Pre-Trial Judge acknowledged the right of the Accused to challenge that decision on indictment via a preliminary motion in accordance with Article 39(1) of the Law<sup>5</sup> and Rules 86(7), 90(4) and 97(1) of the Rules<sup>6</sup>, and accordingly set the deadline for any such preliminary motion to be filed by 19 July 2024. The decision on any such preliminary motion will itself be appealable, in accordance with Rules 77 and 97(3).
7. The Accused intends to file and pursue the challenge to that new charge by way of preliminary motion pursuant to the timetable set by the Pre-Trial Judge.
8. In the circumstances, the uncertainty as to the scope of the indictment which justified earlier extensions to the deadline for the filing of any defence pre-trial brief continues. The litigation commenced by the late request of the Prosecution to add a new charge many months after the Accused had been arrested and detained on an indictment confirmed in October 2024, *and* after two previous attempts to add the new charge to the indictment had been refused, continues.
9. As previously accepted, the scope of the charges to be faced by the Accused at trial should be determined before the defence is required to file its pre-trial brief indicating which charges he disputes and the reasons why he disputes them (in accordance with Rule 95(5)(b) of the Rules).
10. Accordingly, it is submitted that the time limit to file any defence pre-trial brief should be extended to seven days following notification of the final determination of any preliminary motion (including any interlocutory appeal in

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<sup>4</sup> KSC-BC-2023-10/F00377, *Decision on the Confirmation of Amendments to the Indictment and Related Matters*, Pre-Trial Judge, 08 July 2024, Confidential

<sup>5</sup> Law No.05/L-053

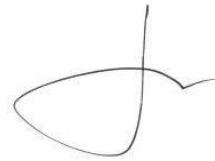
<sup>6</sup> KSC-BD-03/Rev3/2020

relation thereto).

### III. CLASSIFICATION

11. This filing is classified as public.

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