



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA 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

Filing Participant: Dr Fidelma Donlon

Date: 8 August 2024

Language: English

Classification: Public

Registrar's Response to F00421 and F00429

Specialist Prosecutor

Kimberly P. West

Specialist Counsel for Sabit Januzi

Jonathan Elystan Rees

Specialist Counsel for Ismet Bahtijari

Felicity Gerry

Specialist Counsel for Haxhi Shala

Toby Cadman

1. On 2 August 2024, Specialist Counsel for Haxhi Shala ('Counsel for Mr Shala') filed a submission regarding the Registrar's Response to Januzi Update on Funding,¹ stating that "Counsel for Mr Shala was specifically offered a shorter-term initial Framework contract than four years (2 months as it happens), precisely to allow him to sign the initial framework contract and then conduct the plan of activities and complexity level assessment, as Counsel for Mr Januzi has requested."² He further stated that "it is not clear to the Shala Defence, as an interested though neutral observer [...] how the Defence Office can assert that they have treated Counsel for Mr Januzi in the same manner and not arbitrarily in these circumstances".
2. On 8 August 2024, Specialist Counsel for Mr Januzi ('Counsel for Mr Januzi') filed an addendum to his reply to the Registrar's response,³ referring to the above filing submitted by Counsel for Mr Shala and alleging that "(i) the Registrar's updates to the court at selective and, accordingly, misleading to the parties and the public and (ii) the Defence Office, in the absence of any explanation, appears to be acting arbitrarily."⁴
3. Pursuant to Rule 23(2)(a) of the Rules,⁵ the Registrar hereby provides the Pre-Trial Judge with further information.
4. First, the Registrar notes that Counsel for Mr Shala contacted the Defence Office on 17 and 19 July 2024, inquiring whether his contract was confidential and whether it could be shared. Counsel for Mr Shala explained that in discussions with Mr Rees, the latter had inquired about the status of his contract and the details therein. He also requested whether he was permitted to share the contract. On 19 July 2024, Counsel for Mr Januzi filed his submissions on update of funding.⁶

¹ KSC-BC-2023-10, F00421, Submission regarding Registrar's Responses to Januzi Update on Funding, 2 August 2024, public.

² Id., para. 5.

³ F00429, Addendum to Januzi Reply to Registrar's Response to the Januzi Update on Funding following notification of F00421, 8 August 2024, public.

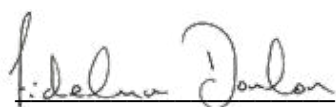
⁴ Id., para.3.

⁵ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3, 2 June 2020 ('Rules').

⁶ F00398, Januzi Update on Funding, 19 July 2024, public.

5. Second, the assertions of Counsel for Mr Januzi, echoed by Counsel for Mr Shala, that the Defence Office is acting arbitrarily are, as previously explained, completely unfounded. Likewise, is the assertion that the more than twenty weekly reports, filed before the Pre-Trial Judge by the Registrar, are selective and misleading.
6. Having reviewed the relevant documentation, the Registrar reiterates that the Defence Office has treated Counsel equally. In this regard, it is important to clarify, that although Counsel for Mr Shala was offered a two-months contract, the only reason for this shorter period was pending the submission of the outstanding United Kingdom tax documents, required for contracting. This had been clearly stated in the Registrar's Decision on Conditional Assignment of Counsel to Mr Shala, where it was also explained to Counsel that this initial contract would be followed by a subsequent four-year contract, once the Defence Office was in the possession of all relevant documentation. Counsel for Mr Januzi, on the other hand, did submit all the relevant documents required for contracting and had therefore been immediately offered a framework contract in the duration of four years.
7. Finally, the Registrar reiterates that, the four-year framework contract, offered to Counsel for Mr Januzi, remains unsigned.
8. This filing is submitted as public in accordance with Rule 82 of the Rules.

Word count: 579



Dr Fidelma Donlon

Registrar

Thursday, 8 August 2024

At The Hague, the Netherlands