



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

**Filed by:** Registrar

**Date:** 9 August 2024

**Language:** English

**Classification:** Confidential

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**Registrar's Update on Defence Team Funding**

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Head of Defence Office

**Specialist Counsel for Ismet Bahtijari**

Felicity Gerry

**Specialist Counsel for Haxhi Shala**

Toby Cadman

## I. BACKGROUND

1. On 27 February 2024, the Pre-Trial Judge instructed the Registrar to file weekly updates, starting on 1 March 2024, on the situation concerning the funding of the Defence teams for Mr Sabit Januzi ('Mr Januzi'), Mr Ismet Bahtijari ('Mr Bahtijari') and Mr Haxhi Shala ('Mr Shala') by the Ministry of Justice of Kosovo pursuant to Law No. 05/L-054.<sup>1</sup> The Registrar hereby provides her twenty-fourth update.

2. Following requests for legal aid by Mr Shala and Mr Bahtijari, on 17 May 2024, the Registrar informed the Pre-Trial Judge that Mr Toby Cadman had been conditionally assigned as Counsel to Mr Shala and that Dr Felicity Gerry had been conditionally assigned as Counsel to Mr Bahtijari.<sup>2</sup> As a result, no further updates are anticipated at this time concerning the funding of those two Defence Teams. The Defence Office is in regular contact with Counsel to ensure that they have all of the necessary information and assistance that may be required under the Legal Aid Regulations.<sup>3</sup>

3. With respect to Mr Januzi, an update on the status of Defence funding is provided below.

## II. REGISTRAR'S UPDATE CONCERNING FUNDING

4. Following the Registrar's twenty-third update on 2 August 2024, no constructive progress has been made in completing the contracting process with Counsel for Mr Januzi, Mr Jonathan Rees ('Mr Rees'). There have been however numerous filings before the Pre-Trial Judge on the matter.

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<sup>1</sup> KSC-BC-2023-10, CRSPD27, Email from the Pre-Trial Judge to CMU on Message to the Deputy Registrar regarding F00175 and F0181, 27 February 2024, confidential.

<sup>2</sup> F00297, Registrar's Update on Defence Team Funding with 5 confidential and *ex parte* Annexes, confidential, paras 5-6.

<sup>3</sup> Legal Aid Regulations, KSC-BD-25-Rev1, 22 February 2024, public.

5. To reiterate, the Specialist Chambers, as Contracting Authority, has offered a four-year framework contract to Mr Rees and explained the steps of the contracting process.

6. On 8 August 2024, the Defence Office received a signed document, where Mr Rees has struck out the four-year duration of the contract offered by the Specialist Chambers and replaced it with two months. The Registrar emphasizes that when the Specialist Chambers, in the exercise of its responsibility as a Contracting Authority, offers a framework contract, Counsel does not have the authority to unilaterally amend it and subsequently claim to have signed it. This does not constitute a valid framework contract, offered by the Specialist Chambers, and is not in line with the contracting process. Moreover, it is highly inappropriate.

7. By taking this course of action, Mr Rees has clearly not accepted the four-year framework contract, which was offered for Mr Januzi's legal aid seven weeks ago.

### III. CLASSIFICATION

8. Pursuant to Rule 82(3) and (4) of the Rules,<sup>4</sup> the Registrar submits this filing as confidential, as it refers to other filings with the same classification.

**Word count: 480**



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

Friday, 9 August 2024  
At The Hague, the Netherlands

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<sup>4</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020, public ('Rules').