



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:** 16 August 2024

**Language:** English

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**Registrar's Update on Defence Team Funding**  
**with three confidential and *ex parte* Annexes**

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**Registry**

Head of Defence Office

**Specialist Counsel for Ismet Bahtijari**

Felicity Gerry

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## 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-fifth 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. On 14 August 2024, Counsel for Mr Januzi, Mr Jonathan Rees ('Mr Rees'), enquired with the Defence Office concerning a number of issues he has previously raised concerning the framework contract offered to him, including its duration and maximum contract value.<sup>4</sup>

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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, 17 May 2024, confidential, paras 5-7.

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

<sup>4</sup> See Annex 1, confidential and *ex parte*.

5. On 16 August 2024, the Registry responded to Mr Rees, reiterating the information provided to him in previous communications.<sup>5</sup> In particular, with regard to contract duration, the Registry reiterated to Mr Rees that upon submission of all documents required to contract, Counsel receive a framework contract for the maximum duration of four years, to ensure maximum efficiency in the contracting process. As noted in the Registry's public submissions on this issue, the only reason that Counsel for Mr Shala was offered an initial contract for a shorter period of two months was that his submission of the tax documents required for contracting was outstanding.<sup>6</sup> It was explained to Counsel for Mr Shala at the time that this initial contract would be followed by a subsequent four-year contract, once the Defence Office was in possession of all relevant documentation.<sup>7</sup> The fact that Counsel for Mr Shala was offered an initial two-month contract pending the receipt of the missing documentation required to contract has been known to Mr Rees since 3 May 2024, when the Registry reported this information to the Pre-Trial Judge.<sup>8</sup>

6. By contrast, Mr Rees had submitted all of the necessary documentation required to contract at the time that Mr Januzi's Legal Aid Request Form was received; therefore, Mr Rees was immediately offered a framework contract for the maximum duration of four years.<sup>9</sup> It is also noted, in this respect, that Counsel for Mr Bahtijari also received a framework contract for the maximum duration of four years, as Counsel for Mr Bahtijari had also submitted all required documentation to contract.<sup>10</sup>

7. On 16 August 2024, with the best interests of Mr Januzi in mind, the Defence Office once again invited Mr Rees to conclude the contracting process and sent a

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<sup>5</sup> See Annex 1, confidential and *ex parte*; Annex 2, confidential and *ex parte*.

<sup>6</sup> See F00431, Registrar's Response to F00421 and F00429, 8 August 2024, public, para. 6.

<sup>7</sup> Id.

<sup>8</sup> See F00279, Registrar's Update on Defence Team Funding, 3 May 2024, public, para. 9; *see also* F00283, Registrar's Update on Defence Team Funding, 10 May 2024, public, para. 6.

<sup>9</sup> See F00431, fn. 6 above, para. 6.

<sup>10</sup> See F00279, fn. 8 above, para. 15; F00283, fn. 8 above, para. 9.

(renewed) tender dossier to Mr Rees's attention.<sup>11</sup> Mr Rees is invited to submit the outstanding documents necessary to conclude the contracting process and thereafter sign the framework contract with the original four-year duration offered.<sup>12</sup>

### III. CLASSIFICATION

8. Pursuant to Rule 82(3) and (4) of the Rules,<sup>13</sup> the Registrar submits this filing as confidential, as it refers to other filings with the same classification. Annexes 1 to 3 are submitted as confidential and *ex parte*, as they contain internal Registry communications with individual Counsel and/or refer to filings with the same classification.

**Word count: 777**



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

Friday, 16 August 2024  
At The Hague, the Netherlands

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<sup>11</sup> Annex 3, confidential and *ex parte*.

<sup>12</sup> See Annexes 2-3, confidential and *ex parte*.

<sup>13</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020, public ('Rules').