

In: KSC-BC-2023-10
The Specialist Prosecutor v. Sabit Januzi, Ismet Bahtijari and Haxhi Shala

Before: **Trial Panel I**

Judge Mappie Veldt-Foglia, Presiding Judge

Judge Roland Dekkers

Judge Gilbert Bitti

Judge Vladimir Mikula, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: **Specialist Counsel for Ismet Bahtijari**

Date: 4 November 2024

Language: English

Classification: Public

(publicly redacted version) BAHTIJARI witness list and notice of expert evidence

Specialist Prosecutor's Office

Kimberly P. West

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Jonathan Rees KC

Huw Bowden

Counsel for Ismet Bahtijari

Felicity Gerry KC

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I. INTRODUCTION

1. This is the current list of witnesses the defence for Mr Bahtijari intends to call at trial pursuant to Rule 119 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ('Rules').
2. This document is also a notice of a current intention to call expert evidence pursuant to Rule 149 of the Rules.

II. PROCEDURAL BACKGROUND

3. The defence filed a draft witness list as part of their submissions for the trial preparation hearings.¹ This list replaces the list contained in that submission.²
4. In an oral order made by the Trial Chamber during the trial preparation hearing on 8 October 2024, the defence was ordered to provide their witness list by 4 November 2024.³

III. WITNESS LIST

5. In accordance with Rule 119(2), the defence for Mr Bahtijari submits that it estimates the total time required for the presentation of the defence case will be 5 days. Further, as outlined in the below list of witnesses, the defence expects a total of 18 witnesses to testify for Mr Bahtijari. Each of the witness's testimony will be relevant to all charges and paragraphs of the indictment that relate to Mr Bahtijari. Mr Bahtijari is not expected to appear as a witness.
6. The following list sets out the witnesses for the defence and provides additional information on each witness as requested by the Panel and in accordance with Rule 119(2)(a)(iii)-(vii):

¹ KSC-BC-2023-10, F00502, Defence, *Bahtijari further submissions on trial preparation pursuant to F00479*, 4 October 2024, Confidential, paras 5-6.

² Ibid.

³ KSC-BC-2023-10, In Court – Oral Order, Trial Panel I, *Order concerning Defence teams lists of witnesses pursuant to Rule 119(1) of the Rules*, 8 October 2024, Page 370 Line 23 to Page 372 Line 17.

- e. [REDACTED] likely 1 hour in Chief. It is hoped that this can be achieved collaboratively and without the need for a summons.
- f. [REDACTED] This is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari.⁷ The defence will likely seek to rely on a written statement in Chief with only 10 minutes of direct evidence. [REDACTED]
- g. [REDACTED] This is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari.⁸ [REDACTED] Each likely 30-45 minutes in Chief each. [REDACTED].
- h. [REDACTED]This is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari⁹. [REDACTED] The defence will likely seek to rely on written statements in Chief with only 10 minutes of direct evidence. They will both need Albanian interpretation.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

- i. [REDACTED] is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari.¹⁰ [REDACTED] The defence will likely seek to rely on written statements in Chief with only 10 minutes of direct evidence. He will need Albanian interpretation.
- j. [REDACTED] This is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari.¹¹ [REDACTED] His testimony will take 30 to 40 minutes in Chief. He will need Albanian interpretation.
- k. [REDACTED This is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari.¹² [REDACTED]His testimony will take 30 to 40 minutes in Chief. He will need Albanian interpretation.
- l. [REDACTED] This is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari.¹³ [REDACTED] He will take approximately 45 minutes in Chief. He will need Albanian interpretation.
- m. [REDACTED] This is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari.¹⁴ [REDACTED] He will take approximately 1 hour 30 minutes in Chief. He will need Albanian interpretation.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

- n. [REDACTED] This is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari.¹⁵ [REDACTED] He will take approximately 1 hour 30 minutes in Chief. He can speak some English but will need some Albanian interpretation.
- o. [REDACTED] This is relevant to all charges and the defences and therefore all paragraphs of the indictment that relate to Mr Bahtijari.¹⁶ [REDACTED] He will take approximately 45 minutes in Chief. He can speak some English but will need some Albanian interpretation.

IV. CLASSIFICATION

7. This filing is filed as confidential at this stage but a publicly redacted version will be filed in due course.

Word Count: 2067



Dr Felicity Gerry KC
Counsel for Mr Bahtijari

4 November 2024

At Victoria, Australia

¹⁵ Ibid.

¹⁶ Ibid.