



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2023-10

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

Filed by: Registrar

Date: 30 September 2024

Language: English

File name: The Specialist Prosecutor v. Sabit Januzi, Ismet Bahtijari and
Haxhi Shala

Classification: Public

Public Redacted Version of Registrar's Submissions

Related to F00480 Further to Order F00477

Specialist Prosecutor

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I. PROCEDURAL BACKGROUND

1. On 1 May 2024, the Defence for Mr Ismet Bahtijari ('Mr Bahtijari', 'the Accused' or 'the Defence') requested the Pre-Trial Judge to order four expert medical assessments of Mr Bahtijari in relation to (i) the Accused's fitness to stand trial, and (ii) certain defences envisaged to be presented at trial ('Request').¹

2. Pursuant to [REDACTED],² the Registrar filed submissions related to the Request.³ Among other things, the Registrar recalled that the Defence may engage any experts it deems appropriate, and decide whether and how to make use of expert witness evidence in the proceedings, including whether to put reports so obtained on the record. The Registrar further noted that under the Legal Aid Regulations, Counsel is provided with funding for contracting experts (i.e., external consultants).⁴

3. [REDACTED].⁵ [REDACTED].⁶

4. [REDACTED].⁷ [REDACTED].⁸ [REDACTED].⁹

5. [REDACTED].¹⁰

6. Pursuant to [REDACTED], the Defence updated its Request on 25 September 2024.¹¹ Specifically, the Defence withdrew its request for a medical assessment of Mr Bahtijari's fitness to stand trial; however, the Defence reiterated its request for

¹ KSC-BC-2023-10, F00273, Bahtijari Filing for Medical Reports *ex parte*, 1 May 2024, strictly confidential and *ex parte*.

² F00293, Order for Submissions, 16 May 2024, confidential and *ex parte*, para. 3.

³ F00337, Registrar's Submissions Pursuant to F00293, 14 June 2024, strictly confidential and *ex parte*.

⁴ *Id.*, para. 9 and fn. 13. *See also* Legal Aid Regulations, KSC-BD-25-Rev1, 22 February 2024 ('LAR'), Annex C, p. 3.

⁵ [REDACTED].

⁶ [REDACTED].

⁷ [REDACTED].

⁸ [REDACTED].

⁹ [REDACTED].

¹⁰ [REDACTED].

¹¹ F00480, Bahtijari Response to F00477, 25 September 2024, strictly confidential and *ex parte* ('Response to F00477'), para. 4.

judicial intervention to obtain medical evidence that goes to Mr Bahtijari's defences, as outlined in the Request and the [REDACTED].¹²

II. SUBMISSIONS

7. In view of the Defence's withdrawal of the request for an assessment of fitness of the Accused to stand trial, the Registrar makes no observations on the matter. However, the Registrar [REDACTED] (a) [REDACTED], (b) [REDACTED], and (c) the request for [REDACTED] contact information.

8. Firstly, in relation to legal aid, the Registrar reiterates that Mr Bahtijari benefits from legal aid from the Specialist Chambers as of 10 May 2024,¹³ and that under the Legal Aid Regulations, EUR 10,250 is allotted to Assigned Counsel for contracting external investigators/consultants for all stages of the proceedings.¹⁴ Counsel may engage any expert(s) it deems appropriate and remunerate them from this allotted amount. This enables the Defence to elect to carry out independently in the preparation of its defence any examinations it deems necessary and to control and decide whether it wishes to [REDACTED].¹⁵

9. Secondly, [REDACTED].¹⁶ [REDACTED].¹⁷ [REDACTED].¹⁸ [REDACTED].¹⁹

10. Finally, in response to a request from the Defence for the contact details of [REDACTED]²⁰ [REDACTED], the Registry informed Counsel that, as a general

¹² Id., para. 5.

¹³ F00284, Notification of Conditional Assignment of Counsel, and Termination of Appointment of Co-Counsel, to Ismet Bahtijari, 13 May 2024, public; F00283, Registrar's Update on Defence Team Funding, 10 May 2023, public, para. 13.

¹⁴ LAR, Annex C, p. 3. *See also* paras 2-3, above.

¹⁵ [REDACTED].

¹⁶ [REDACTED].

¹⁷ [REDACTED].

¹⁸ [REDACTED].

¹⁹ [REDACTED].

²⁰ Response to F00477, para. 12. The Registry notes that pursuant to the Practice Direction on Files and Filings, KSC-BD-15, 17 May 2019, art. 33(3), staff members of the Specialist Chambers and Specialist Prosecutor's Office, as well as Defence or Victims' Counsel support staff, shall only be referred to by their functional titles, unless strictly necessary for the proceedings. The name of the staff member

matter, the Registry does not give out the contact details of its staff/personnel. However, the Registry invited Counsel to submit a specific request to the Registry so that the Registry could consider the request and be in a position to respond. No specific request has been received to date.

III. CLASSIFICATION

11. Pursuant to Rule 82(3) and (4) of the Rules,²¹ the Registrar submits this filing as strictly confidential and *ex parte*, as it refers to filings bearing the same classification. The Registrar does not object to the reclassification of the present filing as confidential and/or public, following similar (re)classification of the filings referred to herein.

Word count: 1143

A handwritten signature in dark ink, appearing to read 'Fidelma Donlon', is written over a horizontal line.

Dr Fidelma Donlon
Registrar

Monday, 30 September 2024
At The Hague, the Netherlands

mentioned in paragraph 12 of the Response to F00477 should be redacted in any future public redacted version of the filing.

²¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020, public ('Rules').