



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: Trial Panel I

Judge Mappie Veldt-Foglia, Presiding Judge

Judge Roland Dekkers

Judge Gilbert Bitti

Judge Vladimir Mikula, Reserve Judge

Registrar: Fidelma Donlon

Date: 15 January 2025

Language: English

Classification: Confidential

Order for Submissions in Relation to F00637

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TRIAL PANEL I (Panel) hereby renders this Order for Submissions in Relation to F00637.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 6 January 2025, the Specialist Prosecutor's Office (SPO) filed its submissions on the eighth review of detention of Ismet Bahtijari (Mr Bahtijari), requesting his continued detention.¹

2. On 10 January 2025, the Defence for Ismet Bahtijari (Bahtijari Defence) filed its submissions on the eighth review of detention of Mr Bahtijari and requested the Panel to order Mr Bahtijari's (conditional) release to Kosovo, claiming that the criteria for his continued detention, pursuant to Article 41(6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law), are no longer met.²

3. In the same filing, the Bahtijari Defence also requested the (conditional) release of Mr Bahtijari on urgent humanitarian grounds, including his acute and 'life shortening' health conditions and the necessity of appropriate treatment thereof, according to Rule 56(1), (2), (3) and (5) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules) (Humanitarian Release Request).³

II. APPLICABLE LAW

4. The Panel notes Article 34(12) and 40(2) of the Law and Rules 9(5)(a), 23(2)(a), 76 and 116(4)(d) of the Rules.

¹ KSC-BC-2023-10, F00636, Specialist Prosecutor, *Prosecution submission pertaining to periodic detention review of Ismet Bahtijari* (SPO Detention Submissions), 6 January 2025, public.

² KSC-BC-2023-10, F00637, Bahtijari Defence, *BAHTIJARI Submissions on detention review and request for release on humanitarian grounds* (Bahtijari Detention Submissions), 10 January 2025, confidential, paras 3 (p. 2), 3 (p. 7), 1-31 (pp. 8-13), 62-64.

³ Bahtijari Detention Submissions, paras 4 (p. 2), 4-6 (pp. 7-8), 32-59, 62-64.

III. ANALYSIS

5. At the outset, the Panel clarifies that it considers the Humanitarian Release Request, included in the Bahtijari Detention Submissions, to amount to a distinct request,⁴ which will be addressed by the Panel in a separate decision.⁵

6. The Panel notes that it would have been preferable for the Bahtijari Defence to have filed the Humanitarian Release Request (included in the Bahtijari Detention Submissions), in a separate filing,⁶ as the latter submissions were (correctly) filed by the Bahtijari Defence as a response to the SPO Detention Submissions, in accordance with the briefing schedule set out by the Panel in the *Decision on the Seventh Review of Detention of Ismet Bahtijari*.⁷ Since the Humanitarian Release Request is independent of the SPO Detention Submissions, and the briefing schedule mentioned above would not leave room for any further submissions, except an eventual reply from the SPO to the Bahtijari Detention Submissions which include the Humanitarian Release Request, the Panel considers it appropriate to receive separate submissions with regard to the Humanitarian Release Request and, therefore, decides to set a separate briefing schedule to that effect.

7. Additionally, given that the Bahtijari Defence also makes submissions on the level of health care that Mr Bahtijari is receiving in the Detention Facilities of the Specialist Chambers (SC Detention Facilities) in the Humanitarian Release Request,⁸

⁴ See also Bahtijari Detention Submissions, para. 7 (p. 8).

⁵ See similarly, KSC-BC-2020-04, Transcript of Hearing, 19 October 2022, public, p. 404, line 18 to p. 405, line 17.

⁶ See similarly, KSC-BC-2023-10, F00433, Pre-Trial Judge, *Decision on Preliminary Motions and Related Requests*, 12 August 2024, confidential. A public redacted version was issued on the same day, [F00433/RED](#), para. 46.

⁷ KSC-BC-2023-10, F00611, *Decision on the Seventh Review of Detention of Ismet Bahtijari*, 26 November 2024, confidential. A public redacted version was issued on 27 November 2024, [F00611/RED](#), para. 34.

⁸ Bahtijari Detention Submissions, paras 46-47, 51, 62.

the Panel considers it appropriate to also invite the Registry, as the organ responsible for managing and administering the SC Detention Facilities as provided in Article 34(12) of the Law, to file submissions on said request pursuant to Rule 23(2)(a) of the Rules.

8. Furthermore, taking into consideration the need to rule on the Humanitarian Release Request expeditiously, the Panel finds it appropriate, in accordance with Rule 9(5)(a) of the Rules, to reduce *proprio motu* the time limits prescribed in Rule 76 of the Rules for any eventual response and reply.

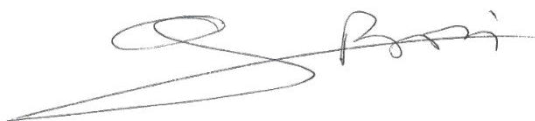
IV. DISPOSITION

9. For the above-mentioned reasons, the Panel hereby:

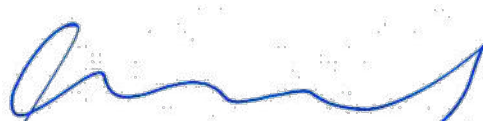
- (i) **INSTRUCTS** the Registry to file submissions (if any) on the Humanitarian Release Request, in accordance with paragraph 7 of the present order, **by no later than Friday, 17 January 2025;**
- (ii) **INSTRUCTS** the SPO to file its response (if any) to the Humanitarian Release Request and the Registry submissions (if any), **by no later than Tuesday, 21 January 2025;**
- (iii) **INSTRUCTS** the Bahtijari Defence to file a reply to the Registry submissions and/or SPO response (if any), **by no later than Thursday, 23 January 2025;** and
- (iv) **INSTRUCTS** the Registry, the SPO and the Bahtijari Defence to inform the Panel via e-mail correspondence in case they do not intend to file submissions, response or reply.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Wednesday, 15 January 2025

At The Hague, the Netherlands.