



In: KSC-BC-2023-10
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 Prosecutor's Office

Date: 17 January 2025

Language: English

Classification: Confidential

Prosecution reply to Bahtijari's submissions on detention review

Specialist Prosecutor's Office

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1. The Response¹ should be rejected, and Ismet Bahtijari should remain detained. The Response fails to meaningfully challenge the well-established grounds for detention in this case.
2. The Specialist Prosecutor's Office ('SPO') has already detailed how, consistent with prior rulings of the Pre-Trial Judge and this Panel, detention continues to be appropriate in this case for Bahtijari.²
3. Bahtijari generally argues that the advanced stage of the case removes the risk of further obstruction and/or criminal conduct.³ The Panel has already considered and rejected such arguments.⁴ As previously noted by the SPO, the conduct for which the Accused are now charged occurred after trial had begun in KSC-BC-2020-06 ('Case 06').⁵ The Panel has previously observed in the context of detention that it has yet to approve the plea agreement in this case; as such, it would be premature to proceed at this juncture on the assumption that the case against Bahtijari has run its course.⁶
4. Bahtijari's submissions regarding release during any victim participation process⁷ may be addressed after sentencing and related procedures.

¹ BAHTIJARI Submissions on detention review and request for release on humanitarian grounds, KSC-BC-2023-10/F00637, 10 January 2025, Confidential ('Response').

² Prosecution submission pertaining to periodic detention review of Ismet Bahtijari, KSC-BC-2023-10/F00636, 6 January 2025.

³ See Response, KSC-BC-2023-10/F00637, paras 3-9, 12-31.

⁴ See Public redacted version of Decision on the Fifth Review of Detention of Haxhi Shala, KSC-BC-2023-10/F00500/RED, 4 October 2024, Confidential, paras 27-32. The Pre-Trial Judge similarly rejected such arguments (see Public Redacted Version of Decision on Ismet Bahtijari's Request for Interim Release, KSC-BC-2023-10/F00116/RED, 29 November 2023, para.40).

⁵ Prosecution submission pertaining to periodic detention review of Haxhi Shala, KSC-BC-2023-10/F00476, 16 September 2024, para.15.

⁶ Decision on the Sixth Review of Detention of Haxhi Shala, KSC-BC-2023-10/F00614, 4 December 2024, Confidential, para.34; Decision on the Seventh Review of Detention of Sabit Januzi, KSC-BC-2023-10/F00613, 4 December 2024, Confidential, para.32.

⁷ See Response, KSC-BC-2023-10/F00637, p.8, para.9.

5. The filing is confidential pursuant to Rule 82(4). The SPO has no objection to its reclassification as public.

6. Further submissions responsive to Bahijari's request for release on urgent humanitarian grounds, also raised in the Response, will be made in line with the briefing schedule set by the Panel.⁸

Word count: 375



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Specialist Prosecutor

Friday, 17 January 2025

At The Hague, the Netherlands

⁸ See Order for Submissions in Relation to F00637, KSC-BC-2023-10/F00639, 15 January 2025, Confidential, paras 9(i)-(iii).