

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 Counsel for Sabit Januzi

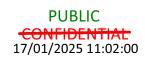
Kimberly P. West Jonathan Elystan Rees

**Counsel for Ismet Bahtijari** 

Felicity Gerry

Counsel for Haxhi Shala

**Toby Cadman** 



- 1. The Response<sup>1</sup> 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.<sup>2</sup>
- 3. Bahtijari generally argues that the advanced stage of the case removes the risk of further obstruction and/or criminal conduct.<sup>3</sup> The Panel has already considered and rejected such arguments.<sup>4</sup> 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').<sup>5</sup> 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.<sup>6</sup>
- 4. Bahtijari's submissions regarding release during any victim participation process<sup>7</sup> may be addressed after sentencing and related procedures.

-

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

<sup>&</sup>lt;sup>2</sup> Prosecution submission pertaining to periodic detention review of Ismet Bahtijari, KSC-BC-2023-10/F00636, 6 January 2025.

<sup>&</sup>lt;sup>3</sup> See Response, KSC-BC-2023-10/F00637, paras 3-9, 12-31.

<sup>&</sup>lt;sup>4</sup> 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).

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

<sup>&</sup>lt;sup>6</sup> 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.

<sup>&</sup>lt;sup>7</sup> 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.<sup>8</sup>

Word count: 375

Kimberly P. West

**Specialist Prosecutor** 

Friday, 17 January 2025

At The Hague, the Netherlands

-

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