



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

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Prosecution reply to Januzi's submissions on detention review

Specialist Prosecutor's Office

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1. The Response¹ should be rejected, and Sabit Januzi 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 Januzi.² In particular, the Response fails to meaningfully rebut the prior conclusion that Januzi presents a risk of obstruction and commission of further crimes that cannot be sufficiently mitigated.³
3. Januzi's submissions related to risk of obstruction rest largely on his assertion that there will not be a trial in this case.⁴ The Panel has previously observed,⁵ and recently confirmed,⁶ 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 Januzi has run its course. Nor, pending its acceptance, should the sentencing range set out in the plea agreement serve as the relevant reference point in this case, noting that in the absence of such an agreement, a significantly higher sentence would be warranted.⁷ Further, similar self-serving and 'generic' assertions about obstruction not being in the interest of the Accused⁸ have

¹ Public Redacted Version of Defence Submissions on the Periodic Detention of Sabit Januzi, KSC-BC-2023-10/F00653/RED, 23 January 2025 ('Response').

² Prosecution submission pertaining to periodic detention review of Sabit Januzi, KSC-BC-2023-10/F00641, 16 January 2025.

³ See Response, KSC-BC-2023-10/F00653/RED, paras 23-34.

⁴ See Response, KSC-BC-2023-10/F00653/RED, para.25.

⁵ 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.

⁶ Decision on the Eighth Review of Detention of Ismet Bahtijari, KSC-BC-2023-10/F00660, 24 January 2025, Confidential ('Bahtijari Decision'), para.30.

⁷ See Response, KSC-BC-2023-10/F00653/RED, paras 14-15, 36-37.

⁸ See Response, KSC-BC-2023-10/F00653/RED, paras 25-27.

already been rejected.⁹

4. Given that a trial cannot be ruled out in this case, Januzi's submissions on conditional release fail to make any meaningful rebuttal¹⁰ to the Panel's conclusion that if released, Januzi would have the motive, means and opportunity to exert pressure on Witness 1 to dissuade him from participating in the proceedings, or to otherwise tamper with evidence.¹¹ Nor do the conditions proposed by Januzi address the enforcement concerns of the Panel regarding his potential further illicit communications, which the Panel has concluded can only be sufficiently mitigated through the communication monitoring framework applicable at the KSC Detention Facilities.¹² In any case, especially given Januzi's inability to articulate a significant change in circumstance, the Panel has already functionally considered and rejected the conditions proposed by Januzi as part of their continuing obligation to inquire and evaluate, *proprio motu*, all reasonable conditions that could be imposed on an Accused.¹³

5. For the foregoing reasons, the SPO respectfully submits that Januzi should continue to be detained.

⁹ 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).

¹⁰ See Response, KSC-BC-2023-10/F00653/RED, paras 28-29.

¹¹ Public Redacted Version of Decision on the Seventh Review of Detention of Sabit Januzi, KSC-BC-2023-10/F00613/RED, 4 December 2024 ('Decision'), para.28

¹² Decision, KSC-BC-2023-10/F00613/RED, paras 28-29; see also Bahtijari Decision, KSC-BC-2023-10/F00660, para.40.

¹³ Decision, KSC-BC-2023-10/F00613/RED, para.27

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At The Hague, the Netherlands