



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:** 18 November 2024

**Language:** English

**Classification:** **Public**

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**Public redacted version of**

**Order for Submissions in relation to F00599**

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**To be notified to:**

**Specialist Prosecutor**  
Kimberly P. West

**Counsel for Sabit Januzi**  
Jonathan Elystan Rees

**Counsel for Ismet Bahtijari**  
Felicity Gerry

**Counsel for Haxhi Shala**  
Toby Cadman

**TRIAL PANEL I** (Panel) hereby renders this order for submissions in relation to F00599.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 13 November 2024, the Specialist Prosecutor's Office (SPO) informed the Panel that it entered into plea agreements with Haxhi Shala (Mr Shala), Sabit Januzi (Mr Januzi) and Ismet Bahtijari (Mr Bahtijari) and disclosed said agreements to the Panel (Plea Agreements).<sup>1</sup> The SPO further indicated that it will file a public redacted version of the Plea Agreements.<sup>2</sup>

2. On 14 November 2024, the Defence for Mr Bahtijari (Bahtijari Defence) filed a request seeking that the Plea Agreements remain confidential for the brief period of time until the next hearing and "[REDACTED]" (Request).<sup>3</sup> In the alternative, the Bahtijari Defence requests that only Mr Bahtijari's plea agreement remains confidential.<sup>4</sup>

3. On 15 November 2024, the SPO responded, asking the Panel to reject the Request and authorise the SPO to immediately file a public redacted version of the Plea Agreements (Response).<sup>5</sup> The SPO argues that the Request relies on the unsupported and speculative assertion that public disclosure of the Plea Agreements [REDACTED] and that said assertion does not justify a departure from the

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<sup>1</sup> KSC-BC-2023-10, F00596, Specialist Prosecutor, *URGENT Prosecution notification of plea agreements*, 13 November 2024, confidential, para. 1, with Annexes 1-3, confidential. A corrected version was filed on 14 November 2024, F00596/COR.

<sup>2</sup> Plea Agreements, para. 3.

<sup>3</sup> KSC-BC-2023-10, F00599, Bahtijari Defence, *BAHTIJARI request on classification*, 14 November 2024, confidential, paras 1, 4-6.

<sup>4</sup> Request, para. 7.

<sup>5</sup> KSC-BC-2023-10, F00603, Specialist Prosecutor, *Prosecution response to F00599*, 15 November 2024, confidential, para. 5, with Annex 1, confidential and *ex parte*.

well-established presumption of the publicity of proceedings.<sup>6</sup> According to the SPO, keeping the Plea Agreements confidential for an unspecified period of time is not an appropriate or proportionate course.<sup>7</sup>

## II. APPLICABLE LAW

4. The Panel notes Article 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rule 9(5)(a) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules).

## III. ANALYSIS

5. Prior to adjudicating the merits of the Request, the Panel deems it appropriate to receive submissions from the Defence for Mr Januzi (Januzi Defence) and the Defence for Mr Shala (Shala Defence), who are both equally affected by the public notice of the existence of the Plea Agreements. Accordingly, with a view to ruling on the matter in an expeditious manner, and pursuant to Rule 9(5)(a) of the Rules, the Panel orders the Januzi Defence and the Shala Defence, if they so wish, to provide written submissions on the Request and the Response by no later than **Tuesday, 19 November 2024**.

6. Furthermore, the Panel orders the Bahtijari Defence to file its reply to the Response, as well as any submissions by the Januzi Defence and the Shala Defence, by no later than **Thursday, 21 November 2024**. In addition, noting that the Bahtijari Defence requests that the Plea Agreements remain confidential until the next hearing, while also stating that [REDACTED] could be obtained as early as this week,<sup>8</sup>

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<sup>6</sup> Response, paras 3-4.

<sup>7</sup> Response, para. 4.

<sup>8</sup> Request, paras [REDACTED].

the Panel orders the Bahtijari Defence to include in its reply a clear indication of how much time it needs to finalise [REDACTED].

7. No further submissions will be entertained.

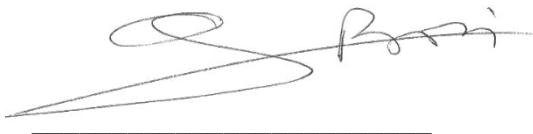
#### IV. DISPOSITION

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

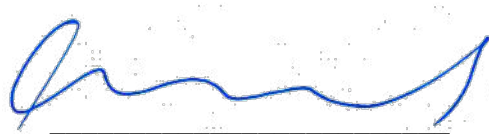
- a. **ORDERS** the Januzi Defence and the Shala Defence, if they so wish, to provide written submissions on the Request and the Response by no later than **Tuesday, 19 November 2024**; and
- b. **ORDERS** the Bahtijari Defence to file its reply to the Response, as well as any submissions by the Januzi Defence and the Shala Defence, by no later than **Thursday, 21 November 2024** and to include therein a clear indication of how much time it needs to finalise [REDACTED].



**Judge Mappie Veldt-Foglia**  
**Presiding Judge**



**Judge Gilbert Bitti**



**Judge Roland Dekkers**

Dated this Monday, 18 November 2024

At The Hague, the Netherlands.