



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** **KSC-BC-2023-10**  
**The Prosecutor v. Sabit Januzi and Ismet Bahtjari**

**Before:** **Pre-Trial Judge**  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Date:** 6 October 2023

**Language:** English

**Classification:** **Public**

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**Decision Setting the Date for the Initial Appearances of Sabit Januzi and Ismet Bahtjari and Related Matters**

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**Acting Deputy Specialist Prosecutor**  
Ward Ferdinandusse

**(Duty) Counsel for Sabit Januzi**

**(Duty) Counsel for Ismet Bahtjari**

**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Articles 20, 21(2), and 39(4) of the Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 8(3)(a), 87(6), 92(1) and 96 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 11 September 2023, the Specialist Prosecutor's Office ("SPO") submitted for confirmation a strictly confidential and *ex parte* indictment together with evidentiary material supporting the facts underpinning the charges and a detailed outline demonstrating the relevance of each item of evidentiary material to each allegation.<sup>2</sup>

2. On 2 October 2023, the Pre-Trial Judge issued a decision confirming the charges against Sabit Januzi and Ismet Bahtjari ("Mr Januzi", "Mr Bahtjari", or "Accused", respectively) for offences under Article 15(2) of the Law ("Confirmation Decision"),<sup>3</sup> the arrest warrants for Mr Januzi and Mr Bahtjari, as well as the orders for transfer to the Specialist Chambers' ("SC") Detention Facilities.<sup>4</sup>

3. On 4 October 2023, the SPO submitted the indictment, as confirmed by the Pre-Trial Judge ("Confirmed Indictment").<sup>5</sup>

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<sup>1</sup> KSC-BC-2023-10, F00001, President, *Decision Assigning a Pre-Trial Judge*, 11 September 2023, confidential.

<sup>2</sup> KSC-BC-2023-10, F00002, Specialist Prosecutor, *Submission of Indictment for Confirmation and Related Requests*, 11 September 2023, strictly confidential and *ex parte*, with Annexes 1-3, strictly confidential and *ex parte*.

<sup>3</sup> KSC-BC-2023-10, F00008, Pre-Trial Judge, *Decision on the Confirmation of the Indictment*, 2 October 2023, strictly confidential and *ex parte*.

<sup>4</sup> KSC-BC-2023-10, F00009, Pre-Trial Judge, *Decision on Request for Arrest Warrants and Transfer Orders*, 2 October 2023, strictly confidential and *ex parte*, with Annexes 1-4, strictly confidential.

<sup>5</sup> KSC-BC-2023-10, F00010, Special Prosecutor, *Submission of confirmed Indictment with strictly confidential and ex parte Annex 1*, 4 October 2023, strictly confidential and *ex parte*, with Annex 1, strictly confidential (reclassified as strictly confidential pursuant to Pre-Trial Judge's instructions contained in CRSPD1 of 4 October 2023).

4. On 5 October 2023, Mr Bahtjari was arrested by the SPO in Kosovo.<sup>6</sup>
5. On 5 October 2023, Mr Januzi was arrested by the SPO in Kosovo.<sup>7</sup>
6. On 6 October 2023, the Accused were transferred to the SC Detention Facilities in The Hague, the Netherlands.<sup>8</sup>

## II. APPLICABLE LAW

### A. INITIAL APPEARANCES

7. Pursuant to Article 39(4) of the Law, a person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the SC, be taken into custody, immediately informed of the charges against him or her and transferred to the SC.
8. Pursuant to Rules 87(6) and 92(1) of the Rules, the Accused shall be brought before the Pre-Trial Judge without undue delay for his or her initial appearance.
9. Pursuant to Articles 21(2) and 39(6) of the Law, hearings, including the hearing on the initial appearance of the Accused, shall be public, unless the Pre-Trial Judge decides otherwise in accordance with the Rules.

### B. WORKING LANGUAGES

10. Pursuant to Article 20 of the Law, the official languages of the SC and SPO are Albanian, Serbian and English, and in any given proceedings, a Panel may

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<sup>6</sup> KSC-BC-2023-10, F00011, Registrar, *Notification of Arrest of Ismet Bahtjari Pursuant to Rule 55(4)*, 5 October 2023, strictly confidential and *ex parte*.

<sup>7</sup> KSC-BC-2023-10, F00012, Registrar, *Notification of Arrest of Sabit Januzi Pursuant to Rule 55(4)*, 5 October 2023, strictly confidential and *ex parte*.

<sup>8</sup> KSC-BC-2023-10, F00014, Registrar, *Notification of the Reception of Ismet Bahtjari in the Detention Facilities of the Specialist Chambers*, 6 October 2023, strictly confidential and *ex parte*; F00015, Registrar, *Notification of the Reception of Sabit Januzi in the Detention Facilities of the Specialist Chambers*, 6 October 2023, strictly confidential and *ex parte*.

decide the working languages for those proceedings, as appropriate and with full respect of the rights of the accused, as stipulated under Article 21 of the Law.

11. Pursuant to Rule 8(3)(a) of the Rules, subject to Article 20 of the Law, as early in the proceedings as possible, the Panel, after hearing the Parties and, where applicable, Victims' Counsel, shall decide which working language(s) shall be used in the proceedings.

### C. STATUS CONFERENCE

12. Pursuant to Rule 96(1) of the Rules the Pre-Trial Judge shall convene a status conference as soon as possible after the initial appearance of the Accused in order to: (i) organise exchanges between the Parties and, where applicable, Victims' Counsel so as to ensure expeditious preparation for trial; (ii) take steps to ensure that all necessary preparations are being conducted by the Parties in a timely and diligent fashion; and (iii) review the status of the case and allow the Parties and, where applicable, Victims' Counsel the opportunity to raise issues in relation thereto.

13. Pursuant to Rule 96(2) of the Rules, a status conference may be conducted: (i) in the presence of the Accused, with his or her Counsel participating via video-conference; (ii) in the presence of Counsel, with the Accused participating via video-conference; or (iii) in the absence of the Accused, with Counsel present or participating via video-conference.

## III. DISCUSSION

### A. INITIAL APPEARANCES

14. Considering that the arrests of Mr Bahtjari and of Mr Januzi took place on 5 October 2023, and that their transfer to the SC Detention Facilities took place on 6 October 2023, the Pre-Trial Judge finds it appropriate to schedule hearings on the

initial appearance of each Accused as soon as practicable, with a view to ensuring that their rights under the Law are respected.

15. Furthermore, noting that the publicity of hearings may extend beyond the courtroom, the Pre-Trial Judge authorises the taking of photographs at the start of each hearing on the initial appearance.

#### B. WORKING LANGUAGES

16. In light of the arrests and transfers of the Accused, and in conformity with the rights of the Accused under Article 21 of the Law, it is necessary to determine the working language in the present proceedings in order to ensure their fair, efficient and expeditious conduct. Towards this end, the Pre-Trial Judge orders the Parties to provide their observations, orally, on the working language of proceedings at each initial appearance.

17. The Pre-Trial Judge notes that, to date, the working language of the proceedings has been English, as all filings by the SPO and the Registrar, and all decisions and orders of the Pre-Trial Judge have been issued in English. Thus, after receiving the Parties' observations, the Pre-Trial Judge will determine whether there are compelling reasons to depart from the use of English as the working language.

18. The Pre-Trial Judge emphasises that the determination of the working language of proceedings leaves unaffected the language and/or translation of evidence and other necessary documentation for the benefit of the Accused.<sup>9</sup>

#### C. DATE OF STATUS CONFERENCE

19. The Pre-Trial Judge informs the Parties that he intends to schedule a status conference on **Thursday, 12 October 2023, at 14:00 hours**. The Defence is invited to provide oral submissions at the initial appearance on whether Counsels and/or the

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<sup>9</sup> Articles 21(4)(a) and 39(5) of the Law; Rules 86(8), 87(1), 92(2)(b) and 102(1) of the Rules.

Accused intend to participate in the status conference in person or via video-conference as prescribed by Rule 96(2) of the Rules.

#### D. ORDER ON RECLASSIFICATION

20. The Pre-Trial Judge notes that the Accused have the right to be informed fully of the basis of their detention. With a view to expeditiously making available the “Decision on Request for Arrest Warrants and Transfer Orders” (F00009) to the Accused and the public, the Pre-Trial Judge orders the SPO to file by **Tuesday, 10 October 2023**, a confidential redacted version and a public redacted version of the “Submission of Indictment for confirmation and related requests” (F00002, without Annexes), or to indicate whether this filing can be reclassified as confidential or public.

#### IV. DISPOSITION

21. For the above-mentioned reasons, the Pre-Trial Judge hereby:
- a) **DECIDES** to convene the hearing on the initial appearance of Mr Bahtjari on **Monday, 9 October 2023, at 14:00 hours**;
  - b) **DECIDES** to convene the hearing on the initial appearance of Mr Januzi on **Monday, 9 October 2023, at 15:15 hours**;
  - c) **AUTHORISES** the Registrar to organise, at the start of each hearing on the initial appearance, the taking of photographs for one minute and a half;
  - d) **ORDERS** the Parties to provide, at each hearing on the initial appearance, their oral submissions as to the working language to be adopted in the present proceedings;

- e) **INFORMS** the Parties that a status conference will be held on **Thursday, 12 October 2023, at 14:00 hours**, as set forth in paragraph 19 of this decision; and
- f) **ORDERS** the SPO to file by **Tuesday, 10 October 2023**, a confidential redacted version and a public redacted version of the “Submission of Indictment for confirmation and related requests” (F00002, without Annexes), or to indicate whether said filing can be reclassified as confidential or public, as indicated in paragraph 20 of this decision.



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**Judge Nicolas Guillou**  
**Pre-Trial Judge**

Dated this Friday, 6 October 2023  
At The Hague, the Netherlands.