



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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: 2 October 2023

Language: English

Classification: **Public**

**Public Redacted Version of Order for Transfer to Detention Facilities of the
Specialist Chambers**

Acting Deputy Specialist Prosecutor
Ward Ferdinandusse

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To be served on
Ismet Bahtjari

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I, **JUDGE NICOLAS GUILLOU**, Pre-Trial Judge of the Kosovo Specialist Chambers, assigned by the President of the Specialist Chambers pursuant to Article 33(1)(a) of the Law No. 05/L-53 on Specialist Chambers and Specialist Prosecutor's Office ("Law");

BEING SEISED of the strictly confidential and *ex parte* "Submission of Indictment for Confirmation and Related Requests" ("Indictment"), dated 11 September 2023, of the Specialist Prosecutor's Office ("SPO");

HAVING CONFIRMED in the "Decision on the Confirmation of the Indictment", dated 2 October 2023, the Indictment, and having found therein that there is a well-grounded suspicion that Ismet Bahtjari ("Mr Bahtjari") committed, and/or participated in the commission of, and/or attempted to commit offences within the jurisdiction of the Specialist Chambers ("SC"), namely the offences of intimidation during criminal proceedings under Article 387 of the 2019 Kosovo Criminal Code, Code No. 06/L-074 ("KCC"), and obstructing official persons in performing official duties within the meaning of Article 401(1), (2) and (5) of the KCC, in violation of Article 15(2) of the Law;

HAVING FOUND that there are articulable grounds to believe that Mr Bahtjari's arrest is necessary;

HAVING ISSUED an arrest warrant against Mr Bahtjari, also known as "Shema", born on 27 February 1963 in Fushticë e Poshtme/Donja Fuštica, Kosovo, a Kosovan national (Personal Number [REDACTED]);

NOTING the "Decision Invoking a Change of Venue to the Host State" dated 25 September 2023, wherein the President of the SC relocated the present proceedings to the Netherlands ("Host State");

PURSUANT TO Articles 3(8)(a) and (d), 39(3), 41(5) and (7), 53 and 55 of the Law, Rules 50, 55(4) and (6) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules");

ORDER the Registrar to transmit the present transfer order to Kosovo, any relevant (transiting) Third State, as the case may be, and the Host State;

ORDER the Registrar to make the necessary arrangements for the prompt transfer of Mr Bahtjari to the detention facilities of the SC in the Host State, in coordination with the SPO and the competent authorities of Kosovo, as well as any relevant (transiting) Third State, as the case may be, and the Host State;

ORDER the Registrar, when transmitting the present transfer order, to seek assistance for, in particular: (i) the safe and unobstructed passage of Mr Bahtjari and accompanying officers, as well as any and all possessions of the aforementioned persons through border control and other checkpoints; (ii) accepting travel and identification documents issued by the Host State or the SC; as well as (iii) ensuring the safety and security of any aircraft and/or other means of transportation utilised for any such transfer, and facilitating the unobstructed passage through national border controls of its crew, if required;

AUTHORISE the Registrar to direct the competent Kosovo authorities to provide any relevant details or information regarding the transfer of Mr Bahtjari to the Registrar, recalling that, given the primacy of the SC over all other courts in Kosovo, the Kosovo authorities shall comply with the present order, in accordance with Article 53(2) and (3) of the Law, thus effectuating Mr Bahtjari's transfer; and, recalling that, should any entity, official of the Kosovo Government or any other person in Kosovo obstruct the execution of the present order or violate any of its conditions, this may constitute an offence pursuant to Article 15(2) of the Law.

AUTHORISE the Registrar to request the competent authorities of any relevant (transiting) Third State, as the case may be, to provide their assistance for effectuating the transfer of Mr Bahtjari, in accordance with Article 55 of the Law. In this regard, should any technical or logistical difficulties or impediments arise in the execution of this order, the competent state authorities are invited to raise any such issues with the representatives of the SPO and/or Registry, as the case may be;

ORDER the Registrar to take all necessary measures to ensure operational security and the security and safety of Mr Bahtjari and any accompanying court officers and other staff during transfer until arrival at the place of detention in the Host State, including issuing the necessary requests to the Host State and (transiting) Third States;

DECIDE that the present order, currently classified as strictly confidential, may be communicated, or its existence be revealed, to any competent authority of Kosovo, a (transiting) Third State, as the case may be, and the Host State, as necessary for the execution of the transfer order; and

ORDER the SPO to transmit to the Registrar all available information that may be of assistance in the execution of the transfer order as well as any information of relevance to assessing any risks to victims and witnesses associated with the arrest and transfer of Mr Bahtjari.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Monday, 2 October 2023

At The Hague, the Netherlands.