



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: 24 October 2023

Language: English

Classification: **Public**

Decision on the Prosecution Request for Extension of Time

Specialist Prosecutor
Kimberly P. West

Duty Counsel for Sabit Januzi
Thomas Gillis

Duty Counsel for Ismet Bahtjari
Hendrik Sytema

THE PRE-TRIAL JUDGE,¹ pursuant to Article 41(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law"), and Rule 9 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules") hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 11 October 2023, the Defence of Sabit Januzi ("Mr Januzi") and Ismet Bahtjari ("Mr Bahtjari", collectively "Accused"), filed submissions on detention on remand.²
2. On 12 October 2023, the first status conference in the case took place, during which the Defence of the Accused indicated that they intend to supplement their submissions on detention on remand ("Submissions on Detention on Remand").³
3. On 23 October 2023, the Specialist Prosecutor's Office ("SPO") filed the "Prosecution request for extension of time" ("Request"), in which it informs the Pre-Trial Judge that the Defence for both Accused informed it via *inter partes* communication that counsel for each Accused will supplement their Submissions on Detention on Remand by Wednesday, 25 October 2023 and that, for this reason, the SPO seeks an extension of time to file consolidated responses to said Defence submissions.⁴

¹ KSC-BC-2023-10, F00001, President, *Decision Assigning a Pre-Trial Judge*, 11 September 2023, public.

² KSC-BC-2023-10, F00028, Defence for Mr Januzi, *Defence Submission on Detention on Remand*, 11 October 2023, confidential; F00030, Defence for Mr Bahtjari, *Submission on Detention on Remand*, 11 October 2023, public.

³ KSC-BC-2023-10, Transcript of Hearing, 12 October 2023 ("12 October 2023 Hearing"), p. 69, lines 1-25.

⁴ KSC-BC-2023-10, F00074, Specialist Prosecutor, *Prosecution Request for Extension of Time*, 23 October 2023, public, paras 1-2.

II. APPLICABLE LAW

4. Pursuant to Rule 9(5)(a) of the Rules, the Panel may, *proprio motu*, or upon showing of good cause extend or reduce any time limit prescribed by the Rules or set by the Panel.
5. Pursuant to Rule 9(6) of the Rules, where no prejudice is caused to the opposing Party, a motion for variation of time may be disposed of without giving the opposing Party the opportunity to be heard.
6. Pursuant to Article 41(2) of the Law, any person deprived of his or her liberty by arrest or detention shall be entitled under the procedures provided by this Law and under the Rules or Procedure and Evidence to challenge the lawfulness of his or her arrest and the conditions of detention, and to have such challenge decided speedily by the Specialist Chambers and his or her release ordered if the detention is not lawful.

III. DISCUSSION

7. At the outset, the Pre-Trial Judge notes that the SPO responses to the Submissions on Detention on Remand were due Monday, 23 October 2023. The Pre-Trial Judge considers the Request to have been filed sufficiently in advance, thus enabling the Pre-Trial Judge to rule on it before the expiry of the time limit, in accordance with Rule 76 of the Rules.
8. The Pre-Trial Judge notes that the SPO intends to file focused and streamlined responses to the Defence Submissions on Detention on Remand, including any supplements, as the case may be, thus avoiding any overlapping filings and expediting proceedings. To that end, it seeks a ten (10)-day extension from the date of the Defence's supplemental submissions and claims that this will not prejudice the Defence.⁵ Having considered the reasons put forward by the SPO,

⁵ Request, paras 1-2.

the Pre-Trial Judge finds that good cause has been shown, warranting the requested extension of time. In case counsel of the Accused do not make supplemental submissions, the Pre-Trial Judge orders the SPO to respond within 10 days from notification of the present decision.

9. Lastly, mindful that the matter has been discussed *inter partes*, the Pre-Trial Judge finds that no prejudice is caused to the Defence in ruling on the Request prior to receiving counsel's responses to the Request, in accordance with Rule 9(6) of the Rules.

IV. DISPOSITION

10. For the above-mentioned reasons, the Pre-Trial Judge hereby:

- a. **GRANTS** the Request;
- b. **ORDERS** the SPO to submit consolidated responses to the Submissions on Detention on Remand, including any supplement, as the case may be, by **Friday, 3 November 2023**; and
- c. **ORDERS** the SPO, in case the Defence does not file a supplement, to submit its responses to the Submissions on Detention on Remand, within ten (10) days from the date of notification of the present decision.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 24 October 2023
At The Hague, the Netherlands.