



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

**Filed by:** Registrar

**Date:** 9 October 2023

**Language:** English

**Classification:** Public

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**Public Redacted Version of "Corrected Version of the Report on the Arrest and Transfer of Sabit Januzi to the Detention Facilities", filing F00020/COR**

**with confidential redacted and *ex parte* Annexes 1 - 3**

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**Specialist Prosecutor's Office**

Ward Ferdinandusse

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Hendrik Sytema

## I. INTRODUCTION

1. Pursuant to the Decision on Arrest and Transfer,<sup>1</sup> the Registrar hereby reports to the Pre-Trial Judge on the arrest and transfer of Mr Sabit Januzi ('Mr Januzi') to the Detention Facilities of the Specialist Chambers ('Detention Facilities') in The Hague, the Netherlands ('Host State').

## II. PROCEDURAL HISTORY

2. On 2 October 2023, the Pre-Trial Judge issued the Confirmation Decision, confirming the charges against Mr Januzi for intimidation during criminal proceedings; attempting to obstruct by serious threat official persons, including Specialist Prosecutor's Office ('SPO') prosecutors and investigators in performing official duties; and attempting to obstruct, by common action of a group, official persons, including SPO prosecutors and investigators in performing official duties.<sup>2</sup>

3. On 2 October 2023, the Pre-Trial Judge also issued an arrest warrant for Mr Januzi and ordered his transfer to the Detention Facilities of the Specialist Chambers in The Hague, the Netherlands.<sup>3</sup>

4. On 4 October 2023, the SPO filed a revised version of the indictment ('Confirmed Indictment'),<sup>4</sup> reflecting the Confirmation Decision.

5. On 5 October, in accordance with Rule 55(4) of the Rules,<sup>5</sup> the Registrar notified the Pre-Trial Judge of Mr Januzi's arrest.<sup>6</sup>

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<sup>1</sup> KSC-BC-2023-10, F00009, Decision on Request for Arrest Warrants and Transfer Orders, 2 October 2023, strictly confidential and *ex parte* ('Decision on Arrest and Transfer'), paras 28, 29(g).

<sup>2</sup> F00008, Decision on the Confirmation of the Indictment, 2 October 2023, strictly confidential and *ex parte* ('Confirmation Decision').

<sup>3</sup> Decision on Arrest and Transfer, fn. 1, above. *See also* F00009/A01, Arrest Warrant for Sabit Januzi, 2 October 2023, strictly confidential; F00009/A02, Order for Transfer to Detention Facilities of the Specialist Chambers, 2 October 2023, strictly confidential.

<sup>4</sup> F00010/A01, Annex 1 to Submission of Confirmed Indictment, 4 October 2023, strictly confidential.

<sup>5</sup> Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

<sup>6</sup> F00012, Notification of the Arrest of Sabit Januzi Pursuant to Rule 55(4), 5 October 2023, strictly confidential and *ex parte*.

6. On 6 October 2023, following the notification to the Pre-Trial Judge of the reception of Mr Januzi in the Detention Facilities,<sup>7</sup> the SPO filed a public redacted version of the Confirmed Indictment.<sup>8</sup>

7. On 7 October 2023, the Registrar informed the Pre-Trial Judge of the assignment of Duty Counsel to Mr Januzi.<sup>9</sup>

### III. REPORT

8. The Pre-Trial Judge directed the Registrar to submit a report on the arrest and transfer of Mr Januzi, including any relevant details and information provided by the SPO.

#### A. ARREST

9. At 06:45 on 5 October 2023, Mr Januzi was placed under arrest by the SPO Operational Security Officer, accompanied by other SPO staff members and an interpreter.<sup>10</sup> The location of arrest was [REDACTED], by Mr Januzi's home.

10. The SPO Operational Security Officer, with the assistance of an interpreter, confirmed Mr Januzi's identity and informed him that a warrant had been issued for his arrest by the Specialist Chambers. Mr Januzi was also informed of his right to silence. A security search was conducted at 06:48.<sup>11</sup>

11. At the time of Mr Januzi's arrest, on prior request of the Specialist Chambers, the SPO delivered a letter (in English and Albanian) from the Head of the Defence Office to Mr Januzi's relatives. The letter provides information on Mr Januzi's transfer, as

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<sup>7</sup> F00015, Notification of the Reception of Sabit Januzi in the Detention Facilities of the Specialist Chambers, 6 October 2023, strictly confidential and *ex parte*, with one strictly confidential and *ex parte* Annex.

<sup>8</sup> F00016, Submission of Public Redacted Version of Confirmed Indictment, 6 October 2023, public, with one public Annex.

<sup>9</sup> F00018, Notification of Assignment of Duty Counsel to Sabit Januzi, 7 October 2023, strictly confidential and *ex parte*, with one confidential Annex.

<sup>10</sup> Annex 2, SPO Report (Arrest)

<sup>11</sup> Annex 3, Registry Report (Transfer of Custody).

well as information on his right to counsel and information on contacting Mr Januzi at the Detention Facilities.<sup>12</sup>

12. Mr Januzi was then transported to [REDACTED], located at [REDACTED], where the SPO Operational Security Officer served Mr Januzi with certified copies (in both English and Albanian) of the Arrest Warrant and Transfer Order at 08:25.<sup>13</sup> Mr Januzi confirmed with his signature that he had received certified copies of the Arrest Warrant and Transfer Order.<sup>14</sup>

13. At that time, the SPO Operational Security Officer, in the presence of three other SPO staff members, informed Mr Januzi of the reason for his arrest and of his rights, which were stated out loud to him in English and translated into Albanian by the interpreter.<sup>15</sup>

14. The SPO Operational Security Officer informed Mr Januzi, *inter alia*, that he has: the right to legal assistance of Specialist Counsel of his choice and to have Specialist Counsel assigned free of charge if he does not have sufficient means to pay for it; the right to notify or have notified a family member or another appropriate person of his choice about his arrest; and the right to remain silent and that any statement he makes shall be recorded and may be used in evidence. The SPO Operational Security Officer also provided Mr Januzi with a hardcopy of Articles 21 and 41(4) of the Law,<sup>16</sup> which were additionally read aloud to him. At 08:38, Mr Januzi confirmed with his signature that he had been provided with information about his rights.<sup>17</sup>

15. [REDACTED].

16. [REDACTED].

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<sup>12</sup> Annex 3, Registry Report (Letter "To Whom It May Concern" from the Head of the Defence Office, KSC/REG/DEF/246).

<sup>13</sup> Annex 1, Memorandum of Service (Arrest Warrant and Transfer Order); *see also* KSC-BC-2023-10/F00009/A01, Arrest Warrant for Sabit Januzi ('Arrest Warrant'), 2 October 2023, strictly confidential (*see also* F00009/A01/sqi); KSC-BC-2023-10/F00009/A02, Order for Transfer to Detention Facilities of the Specialist Chambers ('Transfer Order'), 2 October 2023, strictly confidential (*see also* F00009/A02/sqi).

<sup>14</sup> Annex 1, Memorandum of Service (Arrest Warrant and Transfer Order).

<sup>15</sup> Annex 2, SPO Report (Information About Rights).

<sup>16</sup> Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

<sup>17</sup> Annex 2, SPO Report (Information About Rights).

## B. TRANSFER

17. On 5 October 2023, the transfer of Mr Januzi into the custody of the KSC was executed by the Registry's mission security coordinator ('MSC') and the Registry's escort team, accompanied by an interpreter.

18. At 10:58, [REDACTED], the MSC signed for the transfer of custody of Mr Januzi from the SPO to the KSC after confirming Mr Januzi's identity.<sup>18</sup> The MSC also signed for the transfer of Mr Januzi's personal property.<sup>19</sup>

19. [REDACTED].<sup>20</sup>

20. The MSC explained the transfer process to Mr Januzi, with the assistance of an interpreter, and informed him that he would be staying overnight in the transfer facility [REDACTED] before being transported by aircraft to the Detention Facilities in The Hague, the Netherlands.

21. At 13:41, Mr Januzi was served refreshment.<sup>21</sup> He was also provided with cigarette breaks throughout his time in custody at the transfer facility.<sup>22</sup>

22. At 18:09, the MSC served Mr Januzi with a certified copy of the Confirmed Indictment (in both English and Albanian), with the assistance of an interpreter.<sup>23</sup> Mr Januzi signed to acknowledge service.<sup>24</sup>

23. At 18:42, the MSC confirmed to Mr Januzi that a relative has been informed of his arrest and transfer by the SPO.<sup>25</sup> Mr Januzi was also provided with a copy of the letter that had been delivered to his relatives.<sup>26</sup>

24. That evening, Mr Januzi was provided with further refreshment.<sup>27</sup>

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<sup>18</sup> Annex 3, Registry Report (Transfer of Custody).

<sup>19</sup> Annex 3, Registry Report (Transfer of Custody).

<sup>20</sup> Annex 3, Registry Report (Transport Log); Annex 3, Registry Report [REDACTED].

<sup>21</sup> Annex 3, Registry Report (Transport Log).

<sup>22</sup> Annex 3, Registry Report (Transport Log).

<sup>23</sup> Annex 1, Memorandum of Service (Indictment); Annex 3, Registry Report (Transport Log).

<sup>24</sup> Annex 1, Memorandum of Service (Indictment); Annex 3, Registry Report (Transport Log).

<sup>25</sup> Annex 3, Registry Report (Transport Log).

<sup>26</sup> See para. 11, above.

<sup>27</sup> Annex 3, Registry Report (Transport Log).

25. Appropriate bedding, night clothes, and toiletries were provided to Mr Januzi, and he was secured in the transfer facility's holding cell for the evening at approximately 21:24. The Registry's escort team checked on Mr Januzi visually at least every half hour during the night while he slept.<sup>28</sup>
26. The following day, at 08:36 on 6 October 2023, Mr Januzi was provided with refreshment.
27. [REDACTED].<sup>29</sup> [REDACTED].
28. At 12:15, Mr Januzi was taken by vehicle to [REDACTED] and then moved from the vehicle to the aircraft.<sup>30</sup> [REDACTED].
29. At 13:18, the airplane departed [REDACTED] with destination [REDACTED]. While in transit, Mr Januzi was served refreshment.<sup>31</sup>
30. At 17:38, the airplane landed at [REDACTED].
31. At 17:50, the MSC transferred Mr Januzi into the custody of the Transport and Support Service of the Dutch Prison Administration ('DV&O').<sup>32</sup> The personal property of Mr Januzi was retained by the MSC and delivered directly to the Chief Detention Officer of the Detention Management Unit ('DMU') of the Registry.<sup>33</sup>
32. At 18:32, DV&O transferred Mr Januzi into the custody of the Chief Detention Officer, who received Mr Januzi into the Detention Facilities.<sup>34</sup>
33. The Chief Detention Officer promptly notified the Registrar, who immediately informed the Pre-Trial Judge,<sup>35</sup> the President, and the Ombudsperson, as well as the

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<sup>28</sup> Annex 3, Registry Report (Transport Log).

<sup>29</sup> Annex 3, Registry Report [REDACTED].

<sup>30</sup> Annex 3, Registry Report (Transport Log).

<sup>31</sup> Annex 3, Registry Report (Transport Log).

<sup>32</sup> Annex 3, Registry Report (Transport Log); Annex 3, Registry Report (Request for Transport).

<sup>33</sup> Annex 3, Registry Report (Transfer of Custody); Annex 3, Registry Report (Property Handover).

<sup>34</sup> Annex 3, Registry Report (Request for Transport).

<sup>35</sup> See para. 6, at fn. 7, above.

Head of the Defence Office in accordance with Detention Rule 10.<sup>36</sup> The Registrar also informed the International Committee of the Red Cross.<sup>37</sup>

34. At 18:46, the Registrar informed the Embassy of the Republic of Kosovo in The Hague that Mr Januzi had been transferred to the Detention Facilities in the Host State pursuant to an arrest warrant and transfer order.<sup>38</sup>

35. Upon arrival at the Detention Facilities, Mr Januzi began the reception procedure in accordance with the Rules of Detention.

36. [REDACTED].<sup>39</sup>

37. At approximately 21:00, the Head of the Defence Office spoke with Mr Januzi in person, along with the assistance of an interpreter. The Head of the Defence Office provided Mr Januzi with information and documentation concerning the availability of legal assistance pursuant to Detention Rule 12(2), including information on Duty Counsel that had been assigned to him pending the appointment or assignment of chosen Counsel. The Head of the Defence Office ensured that Mr Januzi received all relevant documents concerning his right to counsel and legal aid, in both English and Albanian.<sup>40</sup> The Head of the Defence Office also confirmed that he would return the following day to discuss with Mr Januzi whether he had any questions concerning the information received.

38. The Chief Detention Officer then conducted an arrival interview with Mr Januzi, with the assistance of an interpreter. During the arrival interview, Mr Januzi was provided with the information and documentation referenced in Detention Rule 12(3), as well as information on the consular representation available to him. The Chief

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<sup>36</sup> Rules of Detention, KSC-BD-08-Rev1, 23 September 2020 ('Rules of Detention' or 'Detention Rules')

<sup>37</sup> See Agreement between the Kosovo Specialist Chambers and the International Committee of the Red Cross on Visits to Persons Deprived of Liberty Pursuant to the Jurisdiction of the Kosovo Specialist Chambers, 28 January 2019, para. 12(2).

<sup>38</sup> Note Verbale, Ref. KSC/NV2023/0047, 6 October 2023.

<sup>39</sup> Annex 3, Registry Report [REDACTED].

<sup>40</sup> See Annex 3, Registry Report (Letter to the Accused from the Head of the Defence Office, KSC/REG/DEF/250).

Detention Officer confirmed that Mr Januzi had in his possession certified copies of the Arrest Warrant, Transfer Order, and the Confirmed Indictment.

39. At 21:39, Mr Januzi was given the opportunity to make a telephone call to a family member, [REDACTED].

40. Mr Januzi was also given the opportunity to have a call with Duty Counsel, [REDACTED].

41. The following morning, on 7 October 2023, the Chief Detention Officer completed the arrival interview with Mr Januzi.

42. Thereafter, the Defence Office had a further meeting with Mr Januzi, with the assistance of an interpreter. [REDACTED]. The Defence Office also spoke to Duty Counsel to ensure that all relevant information had been provided to Duty Counsel by the Registry's Court Management Unit.

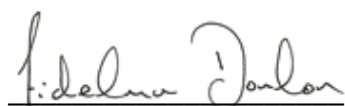
43. [REDACTED].

44. [REDACTED].

#### IV. CLASSIFICATION

45. This report and its Annexes are submitted as strictly confidential and *ex parte* pursuant to Rule 82(4) of the Rules. The Registrar has no objection to this report (core filing) being reclassified as confidential in order to make it available to Mr Januzi's (Duty) Counsel, but requests the opportunity to review the Annexes for redactions before they are reclassified.

**Word count: 2287**



**Dr Fidelma Donlon**

**Registrar**



Monday, 9 October 2020  
At The Hague, the Netherlands

*Explanatory Note:*

The Accused's surname is corrected in paragraph 24.