

**In:** KSC-BC-2023-10

**The Specialist Prosecutor v. Sabit Januzi and Ismet Bahtijari**

**Before:** **Pre Trial Judge**

Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Ismet Bahtjari

**Date:** 10 January 2024

**Language:** English

**Classification:** Public

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**Request for Confirmation of Appointment of Dr Felicity Gerry KC as counsel for Mr Ismet Bahtijari and to confirm renouncement of previous request.**

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**Specialist Prosecutor's Office**

**Specialist Counsel for Sabit Januzi**

Joshua Hafetz

Jonathan Rees KC

Tazneen Shahabuddin

Huw Bowden

**Specialist Counsel for Ismet Bahtijari**

Felicity Gerry KC

KSC-BC-2023-10

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10 January 2024

## I. APPLICATION

1. Application is made to the pre-trial judge to confirm the appointment of Dr Felicity Gerry KC as lead counsel for Mr Bahtijari. Dr Gerry is Mr Bahtijari's counsel of choice.
2. Application is also made to confirm that Mr Bahtijari has renounced his previous request that Ms Venkateswari Alagendra be appointed as his Counsel

## II. BACKGROUND

3. On 4 October 2023, the Specialist Prosecutor's Office filed the Case 10 Indictment which remains strictly confidential (see publicly redacted version dated 6 October 2023). The indictment was later confirmed by the Pre-Trial Judge, charging Mr Bahtijari and Mr Januzi with offences within the meaning of Article 15(2).
4. On 5 October 2023, Mr Ismet Bahtijari was arrested. On 6 October 2023, he was transferred to the Detention Facilities of the Kosovo Specialist Chambers (the KSC), in The Hague.
5. On 6 October 2023, Mr Hendrik Sytema was assigned as Duty Counsel.
6. On 17 December 2023, Dr Felicity Gerry KC, list Counsel, informed the Defence Office that Mr Ismet Bahtijari has requested that he be represented by her as his counsel in relation to the matters before the Kosovo Specialist Chambers.
7. On 22 December 2023, the Head of the Defence office met with Mr Bahtijari. During this meeting, he confirmed that he wanted Dr Gerry to be his Counsel.
8. On 28 December 2023, the Defence Office received a signed and dated Power of Attorney by Mr Bahtijari through the Head of the Detention Management Unit.

9. On 3 January, the Defence Office received a signed and dated Assignment/ Appointment request Form by Mr Bahtijari through the Head of the Detention Management Unit.
10. On 3 January 2024, pursuant to Rule 26 of the Rules of Procedure and Evidence Before the Specialist Chambers, the Registrar granted Mr Bahtijari's request for appointment of Counsel and appointed Dr Felicity Gerry KC as his Counsel until termination of representation pursuant to Section 16 of the Directive on Counsel.
11. The Registrar confirmed that Dr Gerry is eligible for assignment because Dr Gerry was admitted to the List of Specialist Counsel on 20 September 2019 and continues to meet the requirements of Section 5 of the Directive on Counsel.
12. On 3 January 2024, the Registrar also terminated the services of Duty Counsel Mr Sytema.
13. The Registrar Notified all of the above to the pre-trial judge on the same date.<sup>1</sup>

### III. APPLICABLE LAW

14. Article 21 guarantees Mr Bahtijari the right to defend himself through Specialist Counsel of his own choosing.<sup>2</sup>

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<sup>1</sup> KSC-BC-2023-10/F00142

<sup>2</sup> Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). All references to 'Article' or 'Articles' herein refer to articles of the Law, unless otherwise specified.

## IV. SUBMISSIONS

15. It is submitted that Mr Bahtijari has exercised his rights under Article 21, that Dr Gerry is his counsel of choice, and that Dr Gerry has complied with all necessary procedural requirements and therefore her appointment can be confirmed.
16. Given that Mr Bahtijari has chosen Dr Gerry as his counsel, it is submitted that his renouncement of a previous request that Ms Venkateswari Alagendra be appointed as his Counsel can also be confirmed.

**Word Count: 630**

A handwritten signature in black ink, appearing to read 'Felicity Gerry', with a long horizontal flourish extending to the right.

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**Dr Felicity Gerry KC**  
**Counsel for Mr Bahtijari**  
09 January 2024  
At The Hague, the Netherlands