

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

**The Prosecutor v. Sabit Januzi, Ismet Bahtijari and Haxhi Shala**

**Before:** Pre-Trial Judge

Judge Nicolas Guillou

**Registrar:** Fidelma Donlon

**Filing Participant:** Specialist Counsel for Sabit Januzi

**Date:** 11 February 2024

**Language:** English

**Classification:** Public

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**Written Submissions In Relation to the Fourth Status Conference on behalf of  
Januzi**

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## I. INTRODUCTION

1. On 8 February 2024, the Pre-Trial Judge issued his Order Setting the Date for Status Conference and for Submissions ('Order')<sup>1</sup>.
2. At paragraph 16(b) thereof, the Defence were ordered to provide, if they so wish, written submissions on the issues listed in paragraph 14 thereof and any other matter not covered in the agenda or any difficult related to the disclosure of evidence material, by no later than Monday 12 February 2024 at 12:00 hours.
3. The Accused responds as follows.

## II. SUBMISSIONS

### Re Paragraph 10 of the Order

4. The Prosecution has not yet provided a list of witnesses it intends to call to testify at trial, nor a list of the exhibits that it intends to present at trial.

### Re Paragraph 14(1)(a)(i) of the Order

5. The SPO has not completed its disclosures within the deadline set forth in the Framework Disclosure Decisions. The Accused awaits submissions from the SPO as to when the outstanding material will be disclosed.

### Re Paragraph 14(1)(a)(ii) of the Order

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<sup>1</sup> KSC-BC-2023-10/F00163, *Order Setting the Fate for Status Conference and for Submissions*, Pre-Trial Judge, 8 February 2024, Public

6. The Defence has requested access through disclosure to items 1-52 on the Rule 102(3) Notice at KSC-BC-2023-10/F00154/A01 within the deadline set forth in the Framework Disclosure Decisions, i.e. by 9 February 2024. The Accused awaits submissions from the SPO as to when the material requested will be disclosed. Additionally, the Rule 102(3) Notice at KSC-BC-2023-10/F00154/A01 is incomplete. The Accused awaits submissions from the SPO as to when an updated and complete Rule 102(3) Notice will be provided.

Re Paragraph 14(1)(a)(iii), (iv) and 14(1)(b) of the Order

7. The Accused awaits submissions from the SPO in relation hereto.

Re Paragraph 14(c) of the Order

8. The Accused intends to object to the admissibility of evidentiary material that has been disclosed. The Accused cannot commit to being able to file its objection by 22 March 2024:

- a. The Prosecution has not yet provided a list of witnesses it intends to call to testify at trial, nor a list of the exhibits that it intends to present at trial; and
- b. Failures on the part of the Kosovo Ministry of Justice have meant that defence funding is not yet in place, with no timetable for resolution.

Re Paragraph 14(2) of the Order

9. The Accused awaits submissions from the SPO in relation hereto.

Re Paragraph 14(3) of the Order

10. The Accused awaits submissions from the SPO in relation hereto.

Re Paragraph 14(4) of the Order

11. The Accused envisages filing a pre-trial brief and related material under Rule 95(5) of the Rules.

12. However, the Accused is not in a position to provide more information on the status of its investigations (or to indicate when it expects to be), to provide more information of any intention to give notice of an alibi or grounds for excluding responsibility pursuant to Rule 95(5) and any associated disclosure pursuant to Rule 104(1) and (2) of the Rules, or to provide more information on any intention to make requests concerning unique investigative opportunities. Further, the Accused cannot commit to filing a pre-trial brief by 12 April 2024. Failures on the part of the Kosovo Ministry of Justice have meant that defence funding is not yet in place, with no timetable for resolution.

Re Paragraph 14(5) of the Order

13. The Accused has received a list of proposed agreed facts from the SPO. The Accused is unable to say when it is expected that a list of issues subject to dispute and a list of issues not subject to dispute can be identified. Failures on the part of the Kosovo Ministry of Justice have meant that defence funding is not yet in place, with no timetable for resolution.

Re Paragraph 14(6) of the Order

14. 3 May 2024 is unachievable as a target date for transmission of the case file to the Trial Panel.

15. Prosecution disclosure and investigations remain outstanding. In particular, significant work remains outstanding in relation to telecommunications

evidence. Defence preparation has been thwarted by failures on the part of the Kosovo Ministry of Justice to put in place defence funding, with no timetable for resolution.

16. In light of the above, the defence cannot presently envisage transmission of the case file to the Trial Panel before July 2024 and trial before September 2024.

Any Other Issues

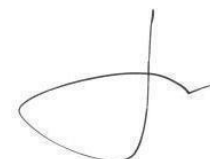
17. The Defence will raise the following at the end of the Fourth Status Conference:

- a. Facilities for remote legal consultations;
- b. Defence funding.

III. CLASSIFICATION

18. This filing is classified as public.

Word count: 765 words



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11 February 2024

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