

In: KSC-BC-2023-10

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

Before: **Pre Trial Judge**

Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: **Specialist Counsel for Ismet Bahtijari**

Date: 12 February 2024

Language: English

Classification: Public

SUBMISSIONS FOR STATUS CONFERENCE ON 13 FEBRUARY 2024

Specialist Prosecutor's Office

Kimberley P. West

Counsel for Sabit Januzi

Jonathan Rees KC

Huw Bowden

Counsel for Ismet Bahtijari

Felicity Gerry KC

Counsel for Haxhi Shala

Toby Cadman

I. APPLICATION

1. This is a submission that all progress on this case be stayed until funding is confirmed by the Kosovan Ministry of Justice

II. BACKGROUND

2. On 4 January 2024, Counsel Dr Felicity Gerry KC was appointed to defend Mr Bahtijari. Several requests for confirmation of funding were made to the Division for Coordinating the Process of Legal Protection and Financial Support for Potential Accused Persons in Trials before the Specialist Chambers in the Kosovan Ministry of Justice, for which there was no reply. Eventually, last week it was said that there would be a funding meeting which was then cancelled because one member had an emergency.
3. Email communication suggests that funding will be confirmed but it requires a meeting of a Commission which has not taken place. On 9 February 2024, Head of Division for Coordinating the Process of Legal Protection and Financial Support for Potential Accused Persons in Trials before the Specialist Chambers at the Ministry of Justice indicated that the urgency of the situation was understood.
4. At the time of writing, no confirmation of funding has been received. This is affecting Mr Bahtijari's fair trial rights as he does not have equality of arms with the Specialist Prosecutor's office, his Counsel is restricted in what she can achieve for him, including necessary health assessments, his right to an interpreter is affected as no Kosovan speaker will join the team without funding and his rights to access his paperwork is limited as there is no funding to supply him with materials.

III. SUBMISSIONS

5. It is submitted that Mr Bahtijari's case be stayed for one month to enable funding to be in place and that the status conference and all directions as to service of documents also be suspended for new dates to be fixed at a status conference in March.

Word Count: 306

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

Dr Felicity Gerry KC

Counsel for Mr Bahtijari

12 February 2024

At Exeter, United Kingdom