

Case No.: KSC-BC-2020-04
Specialist Prosecutor v. Pjetër Shala

Before: Trial Panel I
Judge Mappie Veldt-Foglia, Presiding Judge
Judge Roland Dekkers
Judge Gilbert Bitti
Judge Vladimir Mikula, Reserve Judge

Registrar: Dr Fidelma Donlon

Date: 19 June 2023

Filing Party: Specialist Defence Counsel

Original Language: English

Classification: Public

THE SPECIALIST PROSECUTOR

v.

PJETËR SHALA

Public Redacted Version of "Defence Request for an Extension of Time for its Request for Certification to Appeal the 'Decision on the Prosecution Motion for Judicial Notice of Facts of Common Knowledge and Adjudicated Facts'"

Specialist Prosecutor's Office

Alex Whiting

Counsel for Victims

Simon Laws KC

Maria Radziejowska

Specialist Counsel for the Accused

Jean-Louis Gilissen

Hédi Aouini

Leto Cariolou

I. INTRODUCTION

1. Pursuant to Rules 9(5)(a), 76, and 77 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), the Defence for Mr Pjetër Shala (“Defence”) hereby submits this request for a 5-day extension of the time limit to file its request for certification to appeal the Trial Panel (“Panel”)’s “Decision on the Prosecution Motion for Judicial Notice of Facts of Common Knowledge and Adjudicated Facts”.¹

II. PROCEDURAL BACKGROUND

2. On 14 April 2023, the Specialist Prosecutor’s Office (“SPO”) filed a motion for judicial notice of facts of common knowledge and adjudicated facts.²
3. On 11 May 2023, the Defence filed its response to the SPO Motion.³
4. On 16 May 2023, the SPO replied to the Defence Response.⁴
5. On 8 June 2023, the Panel issued the Impugned Decision.

III. SUBMISSIONS

6. The Defence gives notice of its intention to request certification to appeal the Impugned Decision and requests the Panel to grant a 5-day extension of the time limit for the request for certification to appeal. Pursuant to Rule 77 of the

¹ KSC-BC-2020-04, F00538, Decision on the Prosecution motion for judicial notice of facts of common knowledge and adjudicated facts with public Annex 1 and confidential Annex 2, 8 June 2023 (“Impugned Decision”). All further references to filings in this Request concern Case No. KSC-BC-2020-04 unless otherwise indicated.

² F00484, Prosecution motion for judicial notice of facts of common knowledge and adjudicated facts with public Annex 1 and confidential Annexes 2- 3, 14 April 2023 (“Motion”).

³ F00507, Defence Response to the “Prosecution Motion for Judicial Notice of Facts of Common Knowledge and Adjudicated Facts” with public Annex 1 and confidential Annex 2, 11 May 2023 (“Response”).

⁴ F00512, Prosecution Reply to KSC-BC-2020-04/F00507, 16 May 2023.

Rules, the Defence must submit its request for certification of the Impugned Decision within 7 days.

7. Good cause exists for the extension requested. The Defence at present is focused on preparing for the upcoming witnesses for the next evidentiary blocks. In addition, the Defence must also work towards competing deadlines including: (i) additional submissions to the “Defence Request for Variation of Protective Measures in Order to [REDACTED]” by 15 June 2023;⁵ (ii) a public redacted version of the “Defence Request for Admission of Items Used in Court with Witness TW4-01” by 16 June 2023;⁶ and (iii) its response to the “Prosecution application for the admission of TW4-04’s evidence pursuant to Rule 153” by 19 June 2023 at 4 pm.⁷
8. The Defence understands that pursuant to Rule 76 of the Rules, it is obliged to request such extensions sufficiently in advance of the expiry of the relevant deadline. However, the Defence has encountered difficulties with meeting the applicable deadline following the Panel’s order for additional submissions with regard to the protective measures request.
9. The requested extension will not cause any prejudice to the SPO nor will it delay the proceedings.

IV. CLASSIFICATION

⁵ F00543, Defence Request for Variation of Protective Measures in Order to [REDACTED], 13 June 2023 (confidential); Email from the Court Management Unit of the Registry to the Parties and the Victim’s Counsel, 14 June 2023, at 11:37 am.

⁶ F00545, Defence Request for Admission of Items Used in Court with Witness TW4-01, 13 June 2023 (confidential).

⁷ F00546, Prosecution application for the admission of TW4-04’s evidence pursuant to Rule 153 with confidential Annex 1, 14 June 2023 (confidential).

10. Pursuant to Rule 82(3) of the Rules, the Request is filed as confidential as it contains confidential information. The Defence will file a public redacted version of this Request in due course.

V. RELIEF REQUESTED

11. The Defence respectfully requests the Panel to grant the extension requested so that it can submit its request for certification to appeal the Impugned Decision by 22 June 2023.

Word count: 641

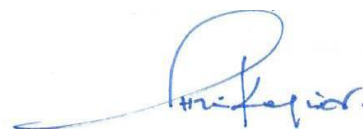
Respectfully submitted,



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Monday, 19 June 2023

The Hague, the Netherlands