



**SPECIALIST PROSECUTOR'S OFFICE**  
**ZYRA E PROKURORIT TË SPECIALIZUAR**  
**SPECIJALIZOVANO TUŽILAŠTVO**

**In:** **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

**Registrar:** Dr Fidelma Donlon

**Filing Party:** Specialist Prosecutor's Office

**Date:** 1 July 2024

**Language:** English

**Classification:** Public

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**Public redacted version of**

**'Prosecution submissions for the eighteenth review of detention'**

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**Specialist Prosecutor's Office**

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## I. INTRODUCTION

1. Pursuant to Article 41(6) and (10) of the Law<sup>1</sup> and Rule 57(2) of the Rules,<sup>2</sup> and in compliance with the order of the Trial Panel ('Panel'),<sup>3</sup> the Specialist Prosecutor's Office ('SPO') hereby files its submissions for the review of detention of Pjetër SHALA ('Accused').

2. The continued detention of the Accused remains necessary and proportionate. No circumstances have intervened, since the last detention review, capable of changing the Panel's findings on the existence of a grounded suspicion and of the concrete and serious risks of release.<sup>4</sup> The continued detention of the Accused remains the only measure capable of sufficiently mitigating these risks.

## II. SUBMISSIONS

### A. EXISTENCE OF A GROUNDED SUSPICION

3. The Pre-Trial Judge found in the Confirmation Decision that there is a well-grounded suspicion that the Accused committed multiple crimes within the jurisdiction of the Kosovo Specialist Chambers ('KSC').<sup>5</sup> This finding was made on the basis of a standard exceeding that required by Article 41(6)(a).

4. Furthermore, in its Rule 130 Decision,<sup>6</sup> the Panel established that the evidence presented during the SPO case, if accepted, is capable of supporting a conviction of

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<sup>1</sup> Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). Unless otherwise specified, all references to 'Article' or 'Articles' are to Law.

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein are to the Rules, unless otherwise specified.

<sup>3</sup> Decision on the Seventeenth Review of Detention of Pjetër SHALA, KSC-BC-2020-04/F00838, 17 May 2024 ('Seventeenth Detention Decision'), para.40(b).

<sup>4</sup> Seventeenth Detention Decision, KSC-BC-2020-04/F00838, paras 19, 27, 29.

<sup>5</sup> Confidential Redacted Version of the Decision on the Confirmation of the Indictment Against Pjetër Shala, KSC-BC-2020-04/F00007/CONF/RED, 6 May 2021, confidential ('Confirmation Decision'), para.140(a).

<sup>6</sup> Decision on the Defence Rule 130 Motion to Dismiss the Charge of Murder in the Indictment, KSC-BC-2020-04/F00652, 15 September 2023, confidential ('Rule 130 Decision').

the Accused for the charge of murder, under one or more of the modes of liability with which he is charged.<sup>7</sup>

5. In its Seventeenth Detention Decision, the Panel found that the requirement under Article 41(6)(a) continued to exist.<sup>8</sup> No circumstances have intervened capable of changing this determination.

B. EXISTENCE OF RISKS WARRANTING CONTINUED DETENTION PURSUANT TO ARTICLE 41(6)(B)

6. The existence of risks of obstruction and commission of further crimes by the Accused was confirmed in the Seventeenth Detention Decision.<sup>9</sup> Circumstances and factors considered by the Panel in reaching that finding include: (i) the Accused's threatening statements [REDACTED]; (ii) the Accused's knowledge of the identity of all SPO witnesses, including protected victims; (iii) the Accused's knowledge of the potentially incriminating evidence against him; (iv) [REDACTED]; and (v) the well-established and ongoing climate of intimidation against witnesses in Kosovo.<sup>10</sup> No circumstances have intervened capable of changing these findings.

7. The Panel also held, in response to Defence submissions in this regard, that the closure of the case against the Accused<sup>11</sup> does not remove the existence of these risks.<sup>12</sup>

8. In addition, the SPO maintains its position on the existence of a concrete risk that, if released, the Accused will abscond.<sup>13</sup> The conclusion of the case, and the forthcoming issuance of a judgment by the Panel, heighten this risk. If released, the Accused could be tempted to seize the opportunity and flee to avoid serving a lengthy

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<sup>7</sup> Rule 130 Decision, KSC-BC-2020-04/F00652, para.34.

<sup>8</sup> Seventeenth Detention Decision, KSC-BC-2020-04/F00838, para.19.

<sup>9</sup> Seventeenth Detention Decision, KSC-BC-2020-04/F00838, paras 22-29.

<sup>10</sup> Seventeenth Detention Decision, KSC-BC-2020-04/F00838, paras 22, 28.

<sup>11</sup> Transcript of the trial hearing (Closing Statements), KSC-BC-2020-04, 17 April 2024, T.4374, lines 9-10.

<sup>12</sup> Seventeenth Detention Decision, KSC-BC-2020-04/F00838, paras 24-25.

<sup>13</sup> Prosecution submissions for the seventeenth review of detention, KSC-BC-2020-04/F00835, 3 May 2024, para.8.

sentence in case of a conviction. For the reasons set out in previous submissions, the Accused has the means and connections to abscond, should he decide to do so.<sup>14</sup>

9. In light of these circumstances, all three risks enumerated in Article 41(6)(b) continue to exist. They can only be mitigated by the Accused's continued detention at the KSC Detention Facilities, where his communications can be effectively monitored and his freedom of movement effectively restricted.<sup>15</sup>

#### C. PROPORTIONALITY OF THE CONTINUED DETENTION

10. For the reasons set forth in this filing and considered by the Panel in the Seventeenth Detention Decision, including the gravity of the charges, the existence of risks under Article 41(6)(b), the impossibility to mitigate such risks with conditions alternative to detention on remand, the pace at which the proceedings have progressed in this case,<sup>16</sup> and the forthcoming judgment, the Accused's detention remains reasonable and proportionate.

### III. CLASSIFICATION

11. This filing is confidential, as it references sensitive information. A public redacted version will be filed.

### IV. RELIEF REQUESTED

12. For the foregoing reasons, the SPO requests the Panel to order that the Accused remain in detention.

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<sup>14</sup> Prosecution submissions for the twelfth review of detention, KSC-BC-2020-04/F00566, 6 July 2023, para.11.

<sup>15</sup> Seventeenth Detention Decision, KSC-BC-2020-04/F00838, paras 33-34.

<sup>16</sup> Seventeenth Detention Decision, KSC-BC-2020-04/F00812, paras 35-39.

**Word Count: 840**



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**Kimberly P. West**

**Specialist Prosecutor**

Monday, 1 July 2024

At The Hague, the Netherlands.