



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-04
Before: Pre-Trial Judge
Judge Nicolas Guillou
Registrar: Dr Fidelma Donlon
Filed by: Dr Fidelma Donlon
Date: 17 March 2021
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Interim Report on the Execution of the Order for Transfer of Pjetër Shala

with one strictly confidential and *ex parte* Annex

Specialist Prosecutor's Office

Jack Smith

I. INTRODUCTION

1. The Registrar hereby reports to the Pre-Trial Judge on the execution of the order for transfer of Mr Pjetër Shala ('Mr Shala') to the Detention Facilities of the Specialist Chambers ('Detention Facilities') located in the Netherlands ('Host State').¹

II. PROCEDURAL HISTORY

2. On 12 June 2020, the Pre-Trial Judge issued a decision² confirming charges against Mr Shala for war crimes punishable under Articles 14(1)(c) and 16(1)(a) of the Law on Specialist Chambers and Specialist Prosecutor's Office ('Law')³.

3. On 12 June 2020, the Pre-Trial Judge also issued a decision granting a request by the Specialist Prosecutor's Office ('SPO') for an arrest warrant and transfer order ('Decision on Arrest and Transfer').⁴ In the Decision on Arrest and Transfer, the Pre-Trial Judge directed the Registrar, in consultation with the SPO, to transmit the arrest warrant and transfer order to the competent authorities of the Kingdom of Belgium, or any other Third State, as the case may be, for service and execution.⁵

4. On 30 July 2020, the Registrar requested the cooperation of the competent Belgian authorities in the arrest of Mr Shala and his transfer to the detention facilities of the Specialist Chambers in the Host State.⁶

5. On 16 March 2021, the Registrar notified the Pre-Trial Judge that Mr Shala was arrested in the Kingdom of Belgium by the Belgian Police, in the presence of representatives of the SPO.⁷

¹ See KSC-BC-2020-04/F00013, Notification of Arrest of Pjetër Shala Pursuant to Rule 55(4), 16 March 2021, strictly confidential and *ex parte*, para. 6; *see also* KSC-BC-2020-04/F00008, Decision on Request for Arrest Warrant and Transfer Order, 12 June 2020, strictly confidential and *ex parte*, para. 30(g).

² KSC-BC-2020-04/F00007, Decision on the Confirmation of the Indictment Against Pjetër Shala, 12 June 2020, strictly confidential and *ex parte*.

³ Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015.

⁴ See KSC-BC-2020-04/F00008, para. 30(a)-(b).

⁵ KSC-BC-2020-04/F00008, para. 30(c).

⁶ KSC-BC-2020-04/F00011, Request for Authorisation to Disclose the Confirmed Indictment to the Competent Authorities of a Third State, 18 September 2020, para. 8.

⁷ KSC-BC-2020-04/F00013, para. 5.

III. INTERIM REPORT ON TRANSFER

6. On 16 March 2021, following his arrest, Mr Shala formally filed an appeal pursuant to Article 86(1) of the Belgian Law on Cooperation.⁸ The Chamber has fifteen days from the date the appeal is lodged to render its decision.⁹ This means that the Chamber has until 31 March 2021 to render its decision. No appeal in cassation may be lodged against the decision of the Chamber on the appeal.¹⁰

7. Following the decision on the appeal, the Registrar will make the necessary arrangements for the prompt transfer of Mr Shala to the Detention Facilities, in accordance with the Decision on Arrest and Transfer.¹¹ The Registrar will notify the Pre-Trial Judge and inform the relevant parties and persons promptly upon Mr Shala's reception at the Detention Facilities.¹² Pursuant to the Decision on Arrest and Transfer,¹³ the Registrar will also submit a report on the arrest and the transfer of Mr Shala to the Pre-Trial Judge before the initial appearance.

8. This interim report is submitted as strictly confidential and *ex parte* pursuant to Rule 82(4) of the Rules.¹⁴

Word count: 597



Dr Fidelma Donlon
Registrar

Thursday, 17 March 2021
At The Hague, the Netherlands

⁸ See Annex 1, Act of 29 March 2004 concerning the cooperation with the International Criminal Court and the international criminal tribunals ('Belgian Law on Cooperation'), title IV^{ter}, art. 86(1).

⁹ Belgian Law on Cooperation, art. 86(1).

¹⁰ Ibid.

¹¹ See KSC-BC-2020-04/F00008, paras 25, 30(f).

¹² See Rules of Detention, KSC-BD-08-Rev1, 23 September 2020, Detention Rule 10.

¹³ KSC-BC-2020-04/F00008, para. 30(g).

¹⁴ Rules of Procedure and Evidence Before the Specialist Chambers ('Rules'), KSC-BD-03/Rev3/2020, as amended on 29 and 30 April 2020.