



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSC-BC-2020-04  
**Before:** Pre-Trial Judge  
Judge Nicolas Guillou  
**Registrar:** Dr Fidelma Donlon  
**Filed by:** Dr Fidelma Donlon  
**Date:** 7 April 2021  
**Language:** English  
**Classification:** Strictly Confidential and *Ex Parte*

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**Further Report on the Execution of the Order for Transfer of Pjetër Shala**

**with one strictly confidential and *ex parte* Annex**

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**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').<sup>1</sup>

## II. PROCEDURAL HISTORY

2. On 12 June 2020, the Pre-Trial Judge issued a decision<sup>2</sup> 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')<sup>3</sup>.

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').<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

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.<sup>7</sup>

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<sup>1</sup> 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).

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

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

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

<sup>5</sup> KSC-BC-2020-04/F00008, para. 30(c).

<sup>6</sup> 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.

<sup>7</sup> KSC-BC-2020-04/F00013, para. 5.

6. On 17 March 2021, the Registrar notified the Pre-Trial Judge that Mr Shala formally filed an appeal pursuant to Article 86(1) of the Belgian Law on Cooperation.<sup>8</sup>

### III. FURTHER REPORT ON TRANSFER

7. On 25 March and 1 April 2021, the Belgian *Chambre des mises en accusation* held a hearing for the purpose of verifying a procedural issue raised by Mr Shala in his appeal.<sup>9</sup>

8. Thereafter, on 6 April 2021, the Belgian *Chambre des mises en accusation* issued a judgment declaring Mr Shala's appeal unfounded.<sup>10</sup> The judgment of the Belgian *Chambre des mises en accusation* is currently being translated into English and will be filed with the Pre-Trial Judge as soon as the translation is completed.

9. Following the judgment on Mr Shala's appeal, the Registrar has made the necessary arrangements for the prompt transfer of Mr Shala to the Detention Facilities, in accordance with the Decision on Arrest and Transfer.<sup>11</sup> Mr Shala will be transferred into the custody of the Specialist Chambers on Thursday, 15 April 2021.

10. 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.<sup>12</sup> Pursuant to the Decision on Arrest and Transfer,<sup>13</sup> 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.

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<sup>8</sup> See KSC-BC-2020-04/F000014, Interim Report on the Execution of the Order for Transfer of Pjetër Shala, 17 March 2021, para. 6; see also F000014/A01, Act of 29 March 2004 concerning the cooperation with the International Criminal Court and the international criminal tribunals ('Belgian Law on Cooperation'), title IV<sup>ter</sup>, art. 86(1).

<sup>9</sup> See Annex 1, Judgment, *Chambre des mises en accusation*, 6 April 2021 (in French), p. 11.

<sup>10</sup> See Annex 1, p. 11.

<sup>11</sup> See KSC-BC-2020-04/F000008, paras 25, 30(f).

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

<sup>13</sup> KSC-BC-2020-04/F000008, para. 30(g).

11. This further report is submitted as strictly confidential and *ex parte* pursuant to Rule 82(4) of the Rules.<sup>14</sup>

**Word count: 693**



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**Dr Fidelma Donlon**  
**Registrar**

Thursday, 7 April 2021

At The Hague, the Netherlands

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