



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

In: KSC-BC-2020-04
Specialist Prosecutor v. Pjetër Shala

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 16 June 2021

Language: English

Classification: Public

Prosecution submissions for second status conference

Specialist Prosecutor
Jack Smith

Counsel for Pjetër Shala
Jean-Louis Gilissen

I. INTRODUCTION

1. Pursuant to the Second Status Conference Order,¹ the Specialist Prosecutor's Office ('SPO') hereby provides written submissions on the agenda items identified by the Pre-Trial Judge.²

II. SUBMISSIONS

A. RULE 102(1)(A) MATERIALS

2. The SPO completed its Rule 102(1)(a)³ disclosure on 19 May 2021.

3. After consultation with the Defence, the SPO subsequently disclosed an unredacted version of one item which had been disclosed under Rule 102(1)(a).

B. RULE 102(1)(B): ADDITIONAL MATERIAL INTENDED FOR USE AT TRIAL

4. The SPO is in the process of reviewing Rule 102(1)(b) materials for disclosure and redactions. As a result of this ongoing review, the SPO submitted its Second Protective Measures Motion on 11 June 2021.⁴

5. The first batch of Rule 102(1)(b) materials not requiring protective measures will be disclosed to the Defence imminently.

¹ Order Setting the Date for the Second Status Conference and for Submissions, KSC-BC-2020-04/F00041, 7 June 2021, Public ('Second Status Conference Order').

² Second Status Conference Order, KSC-BC-2020-04/F00041, paras 11-12.

³ 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 refer to the Rules, unless otherwise specified.

⁴ Second Request for Protective Measures, 11 June 2021, Confidential, KSC-BC-2020-04/F00043.

6. Translation of materials the SPO intends to rely at trial remains ongoing. To date, the SPO has not encountered any difficulty related to the disclosure of evidentiary materials.

C. ADDITIONAL INVESTIGATIVE STEPS

7. The SPO is yet to conclude its remaining investigative steps. However, considering the limited nature of such steps, it does not envisage that these additional steps will impact the disclosure deadlines.

D. PRE-TRIAL BRIEF AND RELATED MATERIALS

8. In light of the disclosure calendar set out in the Framework Decision, which is scheduled to continue into October 2021,⁵ the SPO anticipates that it will be able to file its pre-trial brief and related materials by 19 November 2021.

E. RULE 103: EXCULPATORY EVIDENCE

9. The SPO is continuing its review of Rule 103 material within its custody, control or actual knowledge, and following application of any required redactions, it shall immediately disclose any such material on a rolling basis.

F. RULE 107: PROTECTED MATERIAL

10. The SPO is continuing to engage with providers, to actively seek Rule 107 clearances in respect of a limited amount of protected materials of potential relevance to this case.

⁵ Framework Decision on Disclosure of Evidence and Related Matters, KSC-BC-2020-04/F00033, 30 April 2021, Public ('Framework Decision'), paras. 45, 53.

Word Count: 407



Jack Smith

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Wednesday, 16 June 2021
At The Hague, the Netherlands.