



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

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

Before: **Pre-Trial Judge**
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 5 July 2021

Language: English

Classification: **Public**

Decision on Request to Vary a Time Limit

Specialist Prosecutor
Jack Smith

Counsel for the Accused
Jean-Louis Gilissen

THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(1) of the Law on Specialist Chambers and Specialist Prosecutor's Office and Rules 9(5)(a) and (6) and 97(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 21 June 2021, at the second status conference,² the Pre-Trial Judge issued an oral order, varying the time limits for: (i) the Defence for Mr Shala ("Defence") to submit any preliminary motions to 12 July 2021; (ii) the Specialist Prosecutor's Office ("SPO") to submit its response to 13 August 2021 ("Response"); and (iii) the Defence to submit its reply to 30 August 2021 ("Reply").³

2. On 2 July 2021, the SPO submitted a request to vary the time limit for its Response to 6 September 2021 ("Request"), in view of existing time limits for disclosure in the present case and related cases during the recess period, and the consequent available staffing and resources.⁴ The SPO further avers that it has no objection to a related extension for the Defence to submit its Reply by no later than 24 September 2021, and that the Defence has confirmed that it has no objection to the proposed variation of the time limits.⁵

¹ KSC-BC-2020-04, F00001, President, *Decision Assigning a Pre-Trial Judge*, 14 February 2020, public.

² KSC-BC-2020-04, F00041, Pre-Trial Judge, *Order Setting the Date for the Second Status Conference and for Submissions*, 7 June 2021, public.

³ KSC-BC-2020-04, Transcript, 21 June 2021, page 62, lines 12-18.

⁴ KSC-BC-2020-04, F00051, Specialist Prosecutor, *Request for Modification of Timeline for Preliminary Motions*, 2 July 2021, public, para. 2.

⁵ Request, para. 2.

II. APPLICABLE LAW

3. Pursuant to Rule 9(5)(a) of the Rules, the Pre-Trial Judge may *proprio motu* extend or reduce any time limit prescribed by the Rules or set by the Panel.

4. Pursuant to Rule 9(6) of the Rules, where no prejudice is caused to the opposing Party or Victims' Counsel, a motion for variation of time may be disposed of without giving them the opportunity to be heard.

III. DISCUSSION

5. Whereas the SPO was already aware of the existing time limits,⁶ the Pre-Trial Judge finds that good cause warranting the requested variation of the time limit for its Response has been shown on the basis that the full impact of these time limits became apparent only after the second status conference. Therefore, the Pre-Trial Judge authorises the SPO to provide its Response by no later than 6 September 2021. The variation of this time limit further requires the time limit for the Defence's Reply to be varied to 24 September 2021.

6. Considering that the Defence already indicated that it does not object to the SPO's proposed variation of the time limits in *inter partes* communications, no prejudice has been caused to the Defence in issuing the present decision prior to receiving its response to the Request.

⁶ Request, footnote 3.

DISPOSITION

7. For the above-mentioned reasons, the Pre-Trial Judge hereby:
- a) **GRANTS** the Request; and
 - b) **ORDERS** the SPO to submit its Response to the Defence's preliminary motions by no later than 6 September 2021, and the Defence to submit its Reply by no later than 24 September 2021.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Monday, 5 July 2021

At the Hague, the Netherlands.