

**Case No.:** KSC-BC-2020-04  
**Specialist Prosecutor v. Pjetër Shala**

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

**Registrar:** Dr Fidelma Donlon

**Date:** 9 August 2021

**Filing Party:** Specialist Defence Counsel

**Original Language:** English

**Classification:** Confidential

**THE SPECIALIST PROSECUTOR**  
**v.**  
**PJETËR SHALA**

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**Defence Request for an Extension of Time for its Response to the  
Prosecution Submissions for First Review of Detention**

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**Specialist Prosecutor's Office:**  
Jack Smith

**Specialist Counsel for the Accused:**  
Jean-Louis Gilissen  
Hedi Aouini

1. On 15 June 2021, the Pre-Trial Judge rejected the Defence motion for provisional release of Mr Pjetër Shala.<sup>1</sup> In his decision, the Pre-Trial Judge instructed the Defence, if it wishes, to file submissions on review of detention by 23 July 2021 and, should the Defence decide not to file any submissions, to respond, if it wishes, to the Prosecution's submissions on the next review of detention by 9 August 2021.<sup>2</sup>
2. On 28 June 2021, Mr Shala introduced his appeal against the Decision Denying Provisional Release, requesting the Court of Appeals Panel *inter alia* to provisionally release Mr Shala upon such conditions as the Panel considers necessary and appropriate.<sup>3</sup>
3. On 21 July 2021, Mr Shala informed the Pre-Trial Judge and the Prosecution that he would not be filing any additional submissions related to provisional release before 23 July 2021 in light of the fact that his appeal against the Decision Denying Provisional Release was pending.
4. On 2 August 2021 the Prosecution filed their submissions for the first review of detention.<sup>4</sup>
5. Pursuant to Rule 9(5)(a) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), the Defence for Mr Shala requests a variation of the time limit set by the Pre-Trial Judge to respond to the Prosecution's submissions for the next review of detention. The Defence requests to present such submissions within ten days of receipt of the decision issued by the Court of Appeals Panel in respect of the pending Appeal.

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<sup>1</sup> KSC-BC-2020-04, F00045, Pre-Trial Judge, Public Redacted Version of Decision on Pjetër Shala's Request for Provisional Release, 15 June 2021 ("Decision Denying Request for Provisional Release").

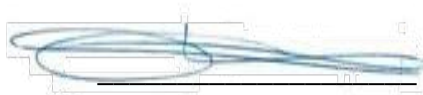
<sup>2</sup> Decision Denying Request for Provisional Release, para. 50.

<sup>3</sup> KSC-BC-2020-04/IA001, F000001, Defence Appeal against the "Decision on Pjetër Shala's Request for Provisional Release", 28 June 2021 (confidential)("Appeal"), para. 48.

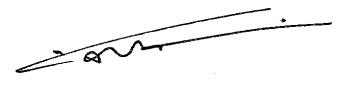
<sup>4</sup> KSC-BC-2020-04, F00058, Prosecution submissions for first review of detention, 2 August 2021.

6. Good cause exists for the requested variation as the Defence response, if required, would significantly benefit from consideration of the Court of Appeals Panel decision.
7. As to the right of the Accused to have his detention reviewed on a two-monthly basis in accordance with Article 41(10) of Law No. 05/L-053 and Rule 57(1) of the Rules, Mr Shala waives his right to have his detention reviewed by the Pre-Trial Judge pending determination by the Court of Appeals Panel of his Appeal. Mr Shala reserves the right to request the Pre-Trial Judge to review his detention pursuant to Article 41(10) of Law Law No. 05/L-053.
8. In light of the above, the Defence respectfully requests the Pre-Trial Judge to find that good cause exists pursuant to Rule 9(5)(a) of the Rules for variation of the time limit set in the Decision Denying Provisional Release, and order that the Defence Response to the Prosecution's Submissions for the First Review of Detention, if necessary, be filed within ten days of receipt of the relevant decision by the Court of Appeals Panel.

Respectfully submitted,



**Jean-Louis Gilissen**  
**Specialist Defence Counsel**



**Hedi Aouini**  
**Defence Co-Counsel**

Monday, 9 August 2021

The Hague, the Netherlands

**Word count:** 492