



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:** 1 September 2021

**Language:** English

**Classification:** Confidential

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**Prosecution request for extension of word limit on responses to preliminary motions**

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**Specialist Prosecutor**  
Jack Smith

**Counsel for the Accused**  
Jean-Louis Gilissen

1. The Defence has filed two preliminary motions pursuant to Rule 97,<sup>1</sup> for which the Specialist Prosecutor's Office ('SPO')'s responses are due on 6 September 2021.<sup>2</sup> In respect of each response, the SPO requests an extension of the word limit pursuant to Article 36(1) of the Practice Direction.<sup>3</sup>
2. Each motion filed by the Defence is close to the word limit.<sup>4</sup> In some instances, the Defence has 'endorsed' the submissions of Defence teams in other cases before the KSC.<sup>5</sup> These endorsements and references, combined with the lengthy challenges including to JCE as a mode of liability alleged in both motions,<sup>6</sup> require detailed and lengthy submissions in response by the SPO.
3. In light of the foregoing, there is good cause for an extension of the word limit for the response to the Jurisdiction Challenge to 15,000 words and for a modest extension for the response to the Indictment Challenge to 12,000 words.<sup>7</sup> No prejudice would be caused to the Defence by doing so, noting that, pursuant to Rule 76, the Defence will have the opportunity to reply to any new issues raised in the SPO's responses.

**Word Count: 353**

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<sup>1</sup> Preliminary Motion of the Defence of Pjetër Shala to Challenge the Jurisdiction of the KSC, KSC-BC-2020-04/F00054, 12 July 2021, Public ('Jurisdiction Challenge'); Corrected Version of 'Preliminary Motion by the Defence of Pjetër Shala Challenging the form of the Indictment', KSC-BC-2020-04/F00055/COR, 12 July 2021, Confidential ('Indictment Challenge'). This request is filed confidentially since it pertains to the confidential motion of the Defence. The SPO has no objection to this filing being reclassified as public.

<sup>2</sup> Decision on Request to Vary a Time Limit, KSC-BC-2020-04/F00052, 5 July 2021, Public.

<sup>3</sup> Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019 ('Practice Direction'). The standard word limit for each response would be 9,000 words (see Practice Direction, Article 42).

<sup>4</sup> The Jurisdiction Challenge is 8962 words and the Indictment Challenge is 8916 words.

<sup>5</sup> See e.g. Jurisdiction Challenge, KSC-BC-2020-04/F00054, paras 7, 10.

<sup>6</sup> See e.g. Jurisdiction Challenge, KSC-BC-2020-04/F00054, paras 20-45 and Indictment Challenge, KSC-BC-2020-04/F00055/COR, paras 33-45.

<sup>7</sup> The SPO has informed the Defence of this request for an extension of words.



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**Jack Smith**

**Specialist Prosecutor**

Wednesday, 1 September 2021  
At The Hague, the Netherlands.