



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: 20 October 2021

Language: English

Classification: Public

Request for authorisation to disclose additional Rule 102(1)(b) material

Specialist Prosecutor
Jack Smith

Counsel for Pjetër Shala
Jean-Louis Gilissen

1. Pursuant to Rule 102(1) of the Rules,¹ the Specialist Prosecutor's Office ('SPO') is required to disclose the statements of witnesses whom it intends to rely upon at trial. Pursuant to the Framework Decision on Disclosure of Evidence, the parties are also required to disclose all documents and materials referred to in a particular witness statement together with the relevant statement.²
2. The SPO hereby requests authorisation³ to disclose certain additional Rule 102(1)(b) materials as follows: (a) one additional witness statement of W04734;⁴ and (b) ten associated exhibits for previously disclosed Rule 102(1)(b) statements.⁵
3. The SPO also seeks authorisation to disclose to the Defence: (i) a signed cover page for the expert report disclosed on 8 October 2021;⁶ and (ii) upon Defence request, the cover page for a previously disclosed witness statement of W04733.⁷

¹ 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.

² Framework Decision on Disclosure of Evidence and Related Matters, KSC-BC-2020-04/F00033, 30 April 2021, Public, para.36 ('Framework Decision on Disclosure of Evidence').

³ The deadline for the disclosure of Rule 102(1)(b) materials was 30 July 2021. See Framework Decision on Disclosure of Evidence, KSC-BC-2020-04/F00033, 30 April 2021, Public, para.92(c).

⁴ 091327-091330 and 091327-091330-ET (additional witness statement and English translation). This statement was received by the SPO in 2021, and was identified as a prior statement falling under Rule 102(1)(b) following its recent translation into English.

⁵ These comprise: (a) IT-04-84bisP00070/IT-04-84bis P00070.E (sketch); (b) U016-8101-U016-8101 (map); (c) IT-04-84 P00356 (U014-2861-U014-2861) (photo); (d) IT-04-84 P00029 (U008-1845) (photo); (e) IT-04-84 P00068 (U008-1861) (photo); (f) SPOE00056072-SPOE00056080 (photo lineups); (g) SITF00012876-00012878 (sketch); (h) 065573-065593 (photos); (i) 065597-065612 (photos); and (j) 065616-065657 (photos). These associated exhibits were identified by the SPO following an *inter partes* request from the Defence seeking SPO assistance in locating additional documents relating to previously produced Rule 102(1)(b) materials.

⁶ The signed cover page was received from expert W04826 on 11 October 2021. 103427-103428a (duplicate of the previously produced expert report of W04826, 103413-103415, with addition of cover page).

⁷ The cover page in question constitutes a pro forma EULEX template which does not contain any substantive information provided by the witness. SITF00013200-00013229 RED (duplicate of previously disclosed Rule 102(1)(b) prior witness statement of W04733, SPOE00185335-00185363 RED, with addition of cover page requested by the Defence).

Word Count: 392



Jack Smith

Specialist Prosecutor

Tuesday, 20 October 2021
At The Hague, the Netherlands.