

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

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 28 October 2021

Filing Party: Specialist Defence Counsel

Original Language: English

Classification: Public

THE SPECIALIST PROSECUTOR
v.
PJETËR SHALA


**Defence Response to 'Request for authorisation to disclose additional Rule
102(1)(b) material'**


Specialist Prosecutor's Office:
Jack Smith

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

1. The Defence does not oppose the 'Request for authorisation to disclose additional Rule 102(1)(b) material' filed by the Specialist Prosecutor's Office ('SPO') on 20 October 2021.¹
2. The Defence notes that the SPO was instructed to disclose Rule 102(1)(b) material by 30 July 2021.² Following such disclosure, the Defence identified specific material and information that was missing and requested their disclosure *inter partes*. The vast majority of the additional Rule 102(1)(b) material identified in the Request consist of material requested by the Defence in these *inter partes* communications with the SPO.
3. The Defence notes that the material forming the subject of the Request should have been disclosed by the original deadline concerning Rule 102(1)(b) material that was set out in the Framework Decision on Disclosure and Related Matters. The delayed disclosure of such material has an adverse impact on the preparation of the Defence case. The Defence reserves its right to seek an appropriate remedy for the prejudice suffered as a result of the delayed disclosure, once it has had an opportunity to review and assess the relevance of such material to its case.

Word Count: 219


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¹ KSC-BC-2020-04, F00091, Request for authorisation to disclose additional Rule 102(1)(b) material, 20 October 2021 ('Request').

² KSC-BC-2020-04, F00033, Framework Decision on Disclosure and Related Matters, 30 April 2021, para. 92(c).