

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

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

**Registrar:** Dr Fidelma Donlon

**Date:** 1 November 2021

**Filing Party:** Specialist Defence Counsel

**Original Language:** English

**Classification:** Public

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

---

**Defence Response to**  
**'Prosecution Submissions for Second Review of Detention'**

---

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

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

## I. INTRODUCTION

1. The Defence files its Response to the ‘Prosecution Submissions for Second Review of Detention’ within the timeline set by the Pre-Trial Judge in his ‘Decision on Review of Detention of Pjetër Shala’.<sup>1</sup>
2. The Defence maintains its position that the risks alleged under Article 41(6) of Law No. 05/L-053 on the Specialist Chambers and Specialist Prosecutor’s Office (“Law”) are unsubstantiated.
3. Mr Shala was arrested on 16 March 2021. On 19 April 2021, he pleaded not guilty.<sup>2</sup> To date, he has been in detention for a total of 230 days. At present, there is no estimated date as to the beginning of the trial. The Specialist Prosecutor’s Office (‘SPO’) is expected to file its pre-trial brief and Rule 109(c) chart by 11 February 2022.<sup>3</sup> Assuming that the trial will begin in April 2022 at the earliest, Mr Shala will have been detained for a period exceeding one year. Such protracted length of pre-trial detention exceeds what is strictly necessary in the circumstances, as explained below.
4. The Defence reiterates that the longer Mr Shala remains detained, the higher the burden on the SPO to justify his continued detention. Mr Shala has the right to be presumed innocent. He also has the right not to be detained, if his detention is not strictly necessary and any purpose served by his detention can be equally served by other means. Lastly, he has the right to respect for his private and family life. At present, the interferences with all of these rights exceed what is strictly necessary and proportionate. This is particularly the case given that any

---

<sup>1</sup> KSC-BC-2020-04, F00093, Prosecution submissions for second review of detention, 25 October 2021 (‘Prosecution Submissions’); KSC-BC-2020-04, F00075, Decision on Review of Detention of Pjetër Shala, 10 September 2021 (‘First Review Decision’), para. 49(c). All further references to filings in this Motion concern Case No. KSC-BC-2020-04 unless otherwise indicated.

<sup>2</sup> Transcript of 19 April 2021, p. 11.

<sup>3</sup> Transcript of 23 September 2021, p. 92, lines 10-20.

concerns about provisionally releasing Mr Shala can be addressed by placing him under home detention at his residence in Belgium.

5. The Defence submits that the duration of Mr Shala's pre-trial detention to date; the limited ability to have meaningful contact with his immediate family through regular family visits; the extensive witness protection regime in place; as well as the availability of effective, alternative and less stringent measures which meet all purposes served by detention, render Mr Shala's continued detention unnecessary and disproportionate.
6. As a result, Mr Shala should be immediately released, with or without conditions.
7. The Defence underlines the availability of less stringent measures such as home detention accompanied by restrictions on visits and remote monitoring of Mr Shala's communications in Belgium, including communications in Albanian, which can be imposed along other measures suitable for addressing any concerns regarding Mr Shala using communication devices of others or otherwise communicating through others for any illegitimate purpose. The Defence invites the Pre-Trial Judge to invite expert submissions identifying suitable measures which can effectively address concerns arising from provisional release or placement under home detention.
8. In any event, the Defence submit that the Kosovo Specialist Chambers ("SC") legal framework does not require the existence of a change in circumstances to conduct a thorough assessment as to whether the reasons for detention continue to exist. The SPO reliance in this respect on Rule 57(2) of the Rules remains inapposite.<sup>4</sup> Article 41(10) of the Law and Rule 57(1) of the Rules explicitly

---

<sup>4</sup> See Prosecution Submissions, paras. 1, 3.

provide that the Panel seized with a case shall review a decision on detention on remand upon the expiry of two months from the last ruling on detention and shall ensure that a person is not detained for an unreasonable period prior to the opening of the case. The SPO bears the burden of establishing that the detention of the Accused is necessary.<sup>5</sup> The Prosecution Submissions fail to meet this burden.

## II. PROCEDURAL BACKGROUND

9. On 12 June 2020, the Pre-Trial Judge confirmed the revised Indictment against the Accused and issued an arrest warrant for him.<sup>6</sup> On 16 March 2021, upon request by the SPO,<sup>7</sup> and further to the confirmation of the indictment (“Confirmation Decision”),<sup>8</sup> Mr Shala was arrested in the Kingdom of Belgium (“Belgium”),<sup>9</sup> pursuant to the Decision on Arrest Warrant and Detention and an arrest warrant issued by the Pre-Trial Judge.<sup>10</sup>

---

<sup>5</sup> IA001, F00005, Public Redacted Version of Decision on Pjetër Shala’s Appeal Against Decision on Provisional Release, 20 August 2021, para. 24, with further references; F00045, Decision on Pjetër Shala’s Request for Provisional Release, 15 June 2021 (confidential) (‘First Detention Decision’), para. 13, with further references. Similarly, ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, 28 November 2017, paras. 222, 234 with further references.

<sup>6</sup> F000038, Submission of Further Lesser Redacted Version of Confirmed Indictment with confidential Annex 1, 25 May 2021 (confidential); F00008, Confidential Redacted Version of Decision on Request for Arrest Warrant and Transfer Order, 12 June 2020, paras. 20-23 (confidential) (‘Decision on Arrest Warrant and Detention’). *See also* F00008, Public Redacted Version of Arrest Warrant for Mr Pjetër Shala, 12 June 2020 (‘Arrest Warrant’); F00008, Public Redacted Version of Order for Transfer to Detention Facilities of the Specialist Chambers, 12 June 2020 (‘Order for Transfer’).

<sup>7</sup> F00002, Confidential Redacted Version of ‘Submission of Indictment for confirmation and related requests, filing KSC-BC2020-04/F00002 dated 14 February 2020 with confidential Annex 1’ (confidential with confidential Annex 1), 26 April 2021.

<sup>8</sup> F00007, Confidential Redacted Version of Decision on the Confirmation of the Indictment Against Pjetër Shala, 12 June 2020 (confidential) (‘Confirmation Decision’).

<sup>9</sup> F00013, Notification of Arrest Pursuant to Rule 55(4), 16 March 2021.

<sup>10</sup> F00008, Confidential Redacted Version of Decision on Request for Arrest Warrant and Transfer Order, 12 June 2020 (confidential) (‘Decision on Arrest Warrant and Detention’); F00008, Public Redacted Version of Arrest Warrant for Mr Pjetër Shala, 12 June 2020 (‘Arrest Warrant’).

10. On 15 April 2021, upon conclusion of the judicial proceedings in Belgium, Mr Shala was transferred to the detention facilities of the SC in The Hague, the Netherlands.<sup>11</sup>
11. On 15 June 2021, the Pre-Trial Judge rejected a request for provisional release submitted by the Defence and ordered the continued detention of Mr Shala.<sup>12</sup>
12. On 28 June 2021, the Defence appealed against the Decision on Request for Provisional Release.<sup>13</sup>
13. On 2 August 2021, the SPO filed their submissions on the first review of detention.<sup>14</sup>
14. On 20 August 2021, the Appeals Chamber rejected the Defence appeal against the First Detention Decision.<sup>15</sup>
15. On 1 September 2021, the Defence filed its submissions on the first review of Mr Shala's detention.<sup>16</sup>
16. On 9 September 2021, the Registrar made submissions on issues raised by the Defence concerning Mr Shala's conditions of detention.<sup>17</sup>

---

<sup>11</sup> F00019, Notification of Reception of Pjetër Shala in the Detention Facilities of the Specialist Chambers and Conditional Assignment of Counsel, 15 April 2021 (confidential).

<sup>12</sup> First Detention Decision, paras. 13, 50(a).

<sup>13</sup> IA001, F00001, Defence Appeal against the 'Decision on Pjetër Shala's Request for Provisional Release', 28 June 2021.

<sup>14</sup> F00058, Prosecution submissions for first review of detention, 2 August 2021, paras. 3-7.

<sup>15</sup> IA001, F00005, Decision on Pjetër Shala's Appeal Against Decision on Provisional Release, 20 August 2021 (confidential), para. 62.

<sup>16</sup> F00066, Defence Response to Prosecution Submissions for First Review of Detention, 1 September 2021, paras. 17-42.

<sup>17</sup> F00073, Registrar Submission Pursuant to Rule 23(2) on Conditions of Detention, 9 September 2021 (confidential).

17. On 10 September 2021, the Pre-Trial Judge issued his 'Decision on Review of Detention of Pjetër Shala'.<sup>18</sup>

### III. SUBMISSIONS

18. At the outset, the Defence fully maintains its previous submissions on Mr Shala's detention and reiterates that there is no proper basis upon which Mr Shala should be detained.<sup>19</sup>
19. The Defence submits that the SPO has not met the burden of showing that the detention of Mr Shala remains necessary. The SPO argues that there has been no relevant change of circumstances, each of the Article 41(6)(b) risks have remained the same or increased, particularly as Mr Shala has received additional Rule 102(1)(b) disclosures and, as a result, has greater knowledge of the evidence against him.<sup>20</sup> The Defence submits that such generic submissions cannot justify continued and prolonged pre-trial detention. The right to be informed of the Prosecution's evidence is one of the basic procedural rights of any accused. Holding Mr Shala's awareness of the evidence against him as a factor justifying his continued detention is profoundly unjust. It would also imply that any accused awaiting his trial could be held for as long as the trial might last merely on this ground.
20. *Risk of Flight*: The Prosecution has not identified any specific evidence or basis establishing a real possibility that Mr Shala presents a risk of flight. No such risk exists at present in light of Mr Shala's strong connection to Belgium, the fact that he has completely distanced himself from the political elites in Kosovo and has

---

<sup>18</sup> F00075, Decision on Review of Detention of Pjetër Shala, 10 September 2021 (confidential).

<sup>19</sup> Defence Response to Prosecution Submissions on First Review of Detention, 1 September 2021, paras. 17-32; IA001, F00001, Defence Appeal against the 'Decision on Pjetër Shala's Request for Provisional Release', 28 June 2021 (confidential), IA001, F00004, Defence Reply to Prosecution Response to Appeal Against the 'Decision on Pjetër Shala's Request for Provisional Release', 19 July 2021 paras. 4-16.

<sup>20</sup> Prosecution Submissions, paras. 1- 6 with further references.

no support network. In addition, Mr Shala has previously fully cooperated with all judicial and investigative authorities.

21. The Pre-Trial Judge is invited to re-assess whether there is a real risk that Mr Shala would abscond should he be provisionally released in light of the Appeals Chamber findings in the *Krasniqi* and *Selimi* Decisions on Appeals Against Decisions on Interim Release. Notably, in these decisions the Appeals Chamber required the SPO to adduce concrete evidence and the Pre-Trial Judge to make specific findings as to the existence of an alleged support network, focusing for instance on such network's capacity or resources, as well as the alleged influence exerted on individuals within such alleged support networks.<sup>21</sup> The Appeals Chamber also required the existence of sufficient evidence that allows inferring the reasonable conclusion that the accused in question *can* actually mobilise a support network.<sup>22</sup> Lastly, the Appeals Chamber required specific grounds for justifying the relevance of an accused's opposition to the Specialist Chambers for the purposes of an assessment of the Article 41(6) risks.<sup>23</sup> To date, the Pre-Trial Judge has not made such specific findings.
22. In any event, the Pre-Trial Judge previously found that the moderate risk of flight could be mitigated by appropriate conditions.<sup>24</sup> In this respect, the Pre-Trial Judge "note[d] favourably" Mr Shala's undertakings to submit himself to daily checks by authorized officials from the Government of Belgium, surrender any travel documents and be subject to close monitoring by the Belgian authorities.<sup>25</sup>

---

<sup>21</sup> KSC-BC-2020-06, Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against Decision on Interim Release, 30 April 2021, para. 55; KSC-BC-2020-06, IA003, F00005, Public Redacted Version of Decision on Rexhep Selimi's Appeal Against Decision on Interim Release, 30 April 2021, para. 66.

<sup>22</sup> KSC-BC-2020-06, Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against Decision on Interim Release, 30 April 2021, para. 57; KSC-BC-2020-06/IA003, F00005, Public Redacted Version of Decision on Rexhep Selimi's Appeal Against Decision on Interim Release, 30 April 2021, para. 67.

<sup>23</sup> KSC-BC-2020-06, IA003, F00005, Public Redacted Version of Decision on Rexhep Selimi's Appeal Against Decision on Interim Release, 30 April 2021, para. 65.

<sup>24</sup> First Detention Decision, para. 45.

<sup>25</sup> First Detention Decision, para. 45.

There is no reason to depart from this conclusion. Mr Shala remains willing to comply with any conditions deemed necessary including the above-mentioned.

23. *Risk of Obstruction*: The Defence maintains all its previous submissions on this matter and submits that the SPO has failed to provide specific evidence establishing a real possibility that Mr Shala will obstruct the KSC proceedings.<sup>26</sup> The Pre-Trial Judge should consider specifically and in detail the impact of the extensive protective measures regime imposed in this case which substantially mitigates any alleged risk of obstruction of the proceedings or witness interference.<sup>27</sup> This is particularly the case given the fact that Mr Shala has no information about the identity of anonymous witnesses and no information about the addresses, contact details or whereabouts of identified protected witnesses. To date, the Pre-Trial Judge has not specifically assessed the impact of the protective measures regime on Mr Shala's ability to contact any person protected under such regime. The perceived need for such protective measures does not demonstrate a risk of obstructing the proceedings. In addition, Mr Shala's distant family relation with a witness does not make the risk of contacting such person any greater given the protective measures in force. The Pre-Trial Judge is invited to consider specifically the likelihood of Mr Shala obtaining access to protected information about these witnesses and actually contacting them either directly or indirectly while placed in home detention at his residence in Belgium or provisionally released under the proposed conditions set out

---

<sup>26</sup> Motion for Provisional Release, 27 May 2021 (confidential), paras. 29-41; Reply to Prosecution's Response to Motion for Provisional Release, 14 June 2021 (confidential), paras. 13-20, IA001-F00005, Decision on Pjetër Shala's Appeal Against Decision on Provisional Release, 20 August 2021 (confidential), paras. 10, 12, 20, 30-31, 44-45, 51 and 58; F00066, Defence Response to Prosecution Submissions on First Review of Detention, 1 September 2021, paras. 17-32.

<sup>27</sup> IA001, F00005, Decision on Pjetër Shala's Appeal Against Decision on Provisional Release, 20 August 2021 (confidential), paras. 41, 42; F00036, Confidential Redacted Version of First Decision on Specialist Prosecutor's Request for Protective Measures, 17 May 2021 (confidential); F00053, Confidential Redacted Version of Second Decision on Specialist Prosecutor's Request for Protective Measures, 12 July 2021 (confidential); F00072, Confidential Redacted Version of Consolidated Decision on Deferred Request for Protective Measures and Request to Defer Disclosure Obligations, 9 September 2021 (confidential).



below, which include severe limitations on his ability to use the internet and when all his telephone communications, visits, and telephone communications of his visitors can be effectively monitored.

24. There is no evidence to suggest that Mr Shala (or anyone connected to him) has the ability or capacity to circumvent the protective measures and identify the unidentified protected witnesses or access or otherwise contact the identified protected witnesses. The protective measures in place and/or the proposed conditions of release or placement in home detention substantially reduce any alleged risk of interference with these witnesses and/or victims.
25. The absence of concrete evidence suggesting that Mr Shala (or anyone connected to him) is capable of circumventing the protective measures regime in this case and the uncontested fact that he has never been involved in witness interference compel a finding that, at present, there is no real risk that Mr Shala can and will obstruct in any way the SC proceedings should he be released or placed in home detention.
26. Risk of Further Commission of Crimes: There is no specific evidence to demonstrate a sufficiently real risk that Mr Shala will commit further crimes, especially in light of the extensive witness protection regime in place.
27. The Defence invites the Pre-Trial Judge to find that the SPO has failed to put forward a proper basis capable of justifying continued detention.
28. Proportionality of Detention: Mr Shala has the right to be presumed innocent. He has been detained for eight months so far while realistically his trial will not commence before April 2022 at the earliest by which time he will be detained for more than a year. The Pre-Trial Judge and the Appeals Chamber have confirmed that the length of time spent in detention pending trial is a relevant factor to be

taken into consideration in assessing the proportionality of detention.<sup>28</sup> There is a clear risk of Mr Shala being detained for an inordinate period of time prior to the start of the trial.

29. This period of detention, which is exacerbated by the sanitary measures related to the pandemic and interference with Mr Shala's private and family life, is disproportionate and unreasonable.
30. In assessing proportionality, the Pre-Trial Judge should consider the actual effects of detention on Mr Shala. A thorough examination of these demonstrates that the continuing detention of Mr Shala is disproportionate.
31. The lack of regular family visits constitutes an excessive interference with Mr Shala's right to private and family life. Mr Shala has the right to respect for his private and family life while being detained at the SC facilities far away from his immediate family and the SC prison authorities have a duty to enable and assist him to maintain contact with his close family.<sup>29</sup> To date, the family of Mr Shala have only been in a position to visit him on three occasions over a period exceeding seven months, while they are facing great difficulty to visit him again for reasons beyond their control. His family have been financially dependent on Mr Shala and, as a result of his detention, have considerably limited financial means, which makes travelling to The Hague to visit him challenging. In addition, Mr Shala is facing daily difficulties causing him discomfort and anxiety which are mostly caused by his limited financial capabilities while being detained.

---

<sup>28</sup> First Detention Decision, para. 49; IA001, F00005, Decision on Pjetër Shala's Appeal Against Decision on Provisional Release, 20 August 2021 (confidential), para. 48.

<sup>29</sup> See, for instance, ECtHR, *Khoroshenko v. Russia*, no. 41418/04, 30 June 2015, para. 123; ECtHR, *Polyakova et al. v. Russia*, nos. 35090/09, 3 July 2017, paras. 116-118.

32. Lastly, detention must remain strictly necessary.<sup>30</sup> This is not the case in the present circumstances where any concerns justifying detention can be addressed by placement in home detention accompanied by adequate measures of effective restriction on visits and monitoring of Mr Shala's communications.
33. In this connection, the Defence notes that the Pre-Trial Judge's previous finding on the sufficiency of the proposed conditions was based on the consideration that 'it is only through the communication monitoring framework applicable at the SC detention facilities that Mr Shala's communications can be effectively restricted and monitored'.<sup>31</sup> The Defence maintains its previous submissions as to the availability of a vast array of effective monitoring software and devices that are capable of ensuring that no abuse of any condition of release or home detention takes place.<sup>32</sup>
34. In addition, given the Pre-Trial Judge's concern about the adequate monitoring of Mr Shala's non-privileged communications outside the SC detention facilities and in order to facilitate the Pre-Trial Judge's assessment in this respect, the Defence request the Pre-Trial Judge pursuant to Article 39(13) of the Law to order the production of expert evidence on communications monitoring in general and the means for such remote monitoring that are available in Belgium, including, should it be deemed appropriate, submissions on the capacity to monitor communications in Albanian.
35. As the Appeals Chamber has noted Article 39(13) of the Law vests the Pre-Trial Judge with the discretionary power to decide whether to issue any order that

---

<sup>30</sup> First Detention Decision, para. 13.

<sup>31</sup> First Detention Decision, para. 46. *See also* F00075, Decision on Review of Detention of Pjetër Shala, 10 September 2021 (confidential), para. 44.

<sup>32</sup> IA001-F00001, Defence Appeal against the 'Decision on Pjetër Shala's Request for Provisional Release', 28 June 2021, para. 42, F00066, Defence Response to Prosecution Submissions for First Review of Detention, 1 September 2021, para. 40. IA001, F00004, Defence Reply to Prosecution Response to Appeal Against the 'Decision on Pjetër Shala's Request for Provisional Release', 19 July 2021, para. 15

may be necessary for the preparation of a fair trial and the latter could reasonably be interpreted as encompassing detention-related matters.<sup>33</sup>

#### IV. PROPOSED CONDITIONS OF RELEASE OR HOUSE ARREST

36. The Pre-Trial Judge previously considered that the proposed conditions adequately addressed the risk of flight but found, as regards the risks of obstructing the progress of SC proceedings or committing further crimes, that ‘none of the Proposed Conditions, nor any other additional limitations imposed by the Pre-Trial Judge, could restrict Mr Shala’s ability to access information and resources that would facilitate any attempts to communicate with victims, their families or his support network’. The Pre-Trial Judge also found that ‘[t]he array of communication mediums available is so varied that it is only through the communication monitoring framework applicable at the SC detention facilities that Mr Shala’s communications can be effectively restricted and monitored, thereby mitigating the risks of him obstructing SC proceedings or engaging in or contributing to crimes.’<sup>34</sup>
37. Should the Pre-Trial Judge consider that the risk of Mr Shala obstructing the proceedings or committing further crimes remains, any such risk is sufficiently mitigated by the proposed conditions set out below:
- i. surrender of Mr Shala’s passport and any other document/s in his possession that could be used for travelling purposes;

---

<sup>33</sup> IA001, F0005, ‘Public Redacted Version of Decision on Pjetër Shala’s Appeal Against Decision on Provisional Release’, 20 August 2021, paras. 59, 60.

<sup>34</sup> First Detention Decision, paras. 45 – 46; F00075, Decision on Review of Detention of Pjetër Shala, 10 September 2021 (confidential), para. 44. *See also* IA001 – F0005, ‘Public Redacted Version of Decision on Pjetër Shala’s Appeal Against Decision on Provisional Release’, 20 August 2021, para. 56.

- ii. a requirement that Mr Shala lives and sleeps each night at his home address in Belgium and be subject to a curfew and daily checks by authorized officials from the Government of Belgium;
- iii. consent to electronic monitoring or tagging by installation of an ankle bracelet with GPS location monitoring whilst on provisional release;
- iv. a requirement for daily reporting to authorized officials from the Government of Belgium;
- v. a prohibition to contact any potential witness or any member of their family, directly or indirectly;
- vi. restricted or limited access to a single mobile telephone that is not internet-enabled for limited communication purposes only that can be monitored by SC or Belgian authorities as appropriate;
- vii. installing a keylogger on Mr Shala's personal computer;
- viii. consent to attend proceedings before the SC by video-conference facilities;
- ix. return to the SC when instructed to do so and comply with any variation or termination of the interim release;
- x. consent that the Belgian police perform random checks on Mr Shala's residence in order to verify whether Mr Shala and/or each and every visitor comply with all conditions of interim release;  
  
or to the alternative:
- xi. Mr Shala be placed under house arrest at his residence in Belgium;
- xii. a prohibition from leaving his residence at all times, except in the event of medical or other emergency, in which case he will remain the physical

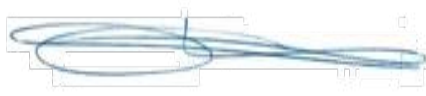
- custody of a police officer or other official assigned for this purpose at all times, until his return;
- xiii. surrender his passport and any other document/s in his possession that could be used for travelling purposes;
  - xiv. a prohibition to contact any potential witness or any member of their family, directly or indirectly;
  - xv. a prohibition from having any telephone, telecommunication device or internet-enabled equipment inside Mr Shala's residence;
  - xvi. a requirement that Mr Shala's residence be searched for any telecommunication devices or internet-enabled equipment and all such devices be removed prior to Mr Shala's arrival;
  - xvii. the prohibition of any visits to Mr Shala with the exception of persons whose names appear on a pre-approved list of visitors that has been approved by the Pre-Trial Judge;
  - xviii. that visits by pre-approved persons be coordinated in advance by way of notice to the Belgian police;
  - xix. that any visitor is required to surrender any telephone, telecommunication device or internet-enabled equipment, written message, or other documents prior to entering Mr Shala's residence;
  - xx. that any visitor be searched for the possession of any telephone, telecommunication device or internet-enabled equipment, written message, or other document prior to entering and upon leaving Mr Shala's residence;

- xxi. that any visitor consent to the subsequent monitoring of their telecommunication devices or internet-enabled equipment for the duration of Mr Shala's period of interim release;
  - xxii. that the Belgian police perform random checks on Mr Shala's residence in order to verify whether Mr Shala and/or each and every visitor comply with all conditions of house arrest; and
  - xxiii. any additional limitations found appropriate by the Pre-Trial Judge.
38. Lastly, the Defence reiterates that Mr Shala is willing to offer extensive undertakings and to be subject to such conditions, including house arrest, as the Pre-Trial Judge deems appropriate.

## V. RELIEF REQUESTED

39. For these reasons, the Defence respectfully requests the Pre-Trial Judge to end Mr Shala's continued detention and order his interim release or placement in house arrest at his residence in Belgium subject to any conditions that are deemed appropriate.

Word Count: 4,101



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



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