



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** **KSC-BC-2020-04**  
**The Prosecutor v. Pjetër Shala**

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

**Registrar:** Dr Fidelma Donlon

**Date:** 18 November 2021

**Language:** English

**Classification:** **Public**

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**Decision on Defence Request to Vary the Time Limit for Submissions on the Next  
Review of Mr Shala's Detention**

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**Specialist Prosecutor**  
Jack Smith

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

**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Article 41(10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 9(5)(a) and (6) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 10 November 2021, the Pre-Trial Judge ordered Pjetër Shala's ("Mr Shala") continued detention ("Third Detention Decision").<sup>2</sup> In that decision, the Pre-Trial Judge also ordered the Defence for Mr Shala ("Defence"), if it so wished, to file submissions on the next review of detention either by 17 December 2021, with responses and replies following the timeline set out in Rule 76 of the Rules, or by 5 January 2022, in response to the submissions of the Specialist Prosecutor's Office ("SPO").<sup>3</sup>

2. On 15 November 2021, during the latest status conference, the Pre-Trial Judge noted that the above-mentioned time limits fell during the court recess and asked the Defence whether it wished to seek a variation of the time limits in order to file its submissions after the court recess or, in case it intended to appeal the Third Detention Decision, after the decision of the Court of Appeals Panel.<sup>4</sup>

3. On 16 November 2021, the Defence requested a variation of the time limit in order to file any submissions in response to the SPO's submissions by 21 January 2021 ("Request").<sup>5</sup> According to the Defence, good cause exists for the requested variation in light of overlapping deadlines and procedural obligations it faces during this

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<sup>1</sup> KSC-BC-2020-04, F00001, President, *Decision Assigning a Pre-Trial Judge*, 14 February 2020, public.

<sup>2</sup> KSC-BC-2020-04, F00105, Pre-Trial Judge, *Decision on Review of Detention of Pjetër Shala*, 10 November 2021, confidential, para. 47(a). A public redacted version was issued on the same day, F00105/RED.

<sup>3</sup> Third Detention Decision, para. 47(b)-(c).

<sup>4</sup> KSC-BC-2020-04, Transcript of Hearing, 15 November 2021, public, p. 125, line 6 to p. 126, line 6.

<sup>5</sup> KSC-BC-2020-04, F00108, Defence for Mr Shala, *Defence Request for Variation of Time Limit for its Submissions on the Review of Mr Shala's Detention*, 16 November 2021, public.

period.<sup>6</sup> The Defence further confirms that Mr Shala waives his right to have his detention reviewed on a two-monthly basis.<sup>7</sup>

## II. APPLICABLE LAW

4. Article 41(10) of the Law and Rule 57(2) of the Rules provide that, until a judgment is final or until release, upon the expiry of two (2) months from the last ruling on detention on remand, the Pre-Trial Judge or Panel seized with the case shall examine whether reasons for detention on remand still exist and render a ruling by which detention on remand is extended or terminated.

5. Pursuant to Rule 9(5)(a) of the Rules, the Pre-Trial Judge may *proprio motu* or upon showing of good cause extend or reduce any time limit prescribed by the Rules or set by the Pre-Trial Judge.

6. Pursuant to Rule 9(6) of the Rules, where no prejudice is caused to the opposing Party, a motion for variation of time may be disposed of without giving the opposing Party the opportunity to be heard.

## III. DISCUSSION

7. The Pre-Trial Judge notes the Defence's submission that, in the coming period, it is facing several overlapping deadlines and procedural obligations<sup>8</sup> and finds that good cause has been shown warranting the requested extension of time. In this regard, the Pre-Trial Judge further notes that Mr Shala has waived his right to have his detention reviewed before the expiry of the two-month time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules.<sup>9</sup>

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<sup>6</sup> Request, para. 3.

<sup>7</sup> Request, para. 3.

<sup>8</sup> Request, para. 3.

<sup>9</sup> Request, para. 3.

8. In view of the authorised variation, the Pre-Trial Judge finds that the time limit for the SPO to file its submissions also requires to be extended accordingly. In view of this variation of the time limit, the Pre-Trial Judge considers that no prejudice has been caused to the SPO in issuing the present decision prior to receiving its response to the Request.

#### IV. DISPOSITION

9. For the above-mentioned reasons, the Pre-Trial Judge hereby:

(a) **GRANTS** the Request and **ORDERS** the Defence, if it wishes to do so, to file submissions on the next review of detention of Mr Shala by no later than **Friday, 17 December 2021**, with the SPO response to follow no later than **Tuesday, 11 January 2022**, and the Defence reply no later than **Friday, 21 January 2022**; and

(b) **ORDERS** the SPO, should Mr Shala decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Shala's detention by no later than **Tuesday, 11 January 2022**, and Mr Shala, if he wishes to do so, to file his submissions by no later than **Friday, 21 January 2022**.



**Judge Nicolas Guillou**  
**Pre-Trial Judge**

Dated this Thursday, 18 November 2021

At The Hague, the Netherlands.