



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: 14 December 2021

Language: English

Classification: **Public**

Order for Submissions

Specialist Prosecutor

Jack Smith

Counsel for the Accused

Jean-Louis Gilissen

THE PRE-TRIAL JUDGE,¹ pursuant to Articles 39(13) and 41(10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rule 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 10 November 2021, the Pre-Trial Judge reviewed the detention of Pjetër Shala ("Mr Shala") and ordered his continued detention ("Detention Decision").² In said decision, the Parties were also invited to make submissions for the next review of Mr Shala's detention on specified dates that would fall, in part, during court recess.³

2. On 15 November 2021, the Pre-Trial Judge, noting the upcoming recess, requested the Defence for Mr Shala ("Defence") to indicate whether Mr Shala waives his right to have his detention reviewed within the statutory two-month deadline in order to file its submissions, or at least the reply, after the recess period, or, should it decide to appeal the Detention Decision, to indicate whether Mr Shala waives his right to have his detention reviewed within the statutory two-month deadline in order to file its submissions after the Court of Appeals issues its decision.⁴

3. On 16 November 2021, the Defence, confirming that Mr Shala waives his right to have his detention reviewed within the statutory time limit, requested a variation of the time limit in order to file submissions in response to the SPO's submissions on the next review of Mr Shala's detention by 21 January 2022 ("Request").⁵

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

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

³ Detention Decision, para. 47(b) and (c).

⁴ KSC-BC-2020-04, Transcript, 15 November 2021, public, p. 125, line 22 – p. 126, line 6.

⁵ 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.

4. On 18 November 2021, the Pre-Trial Judge granted the Request (“18 November 2021 Decision”).⁶

5. On 22 November 2021, the Defence appealed the Detention Decision.⁷

II. DISCUSSION

6. The Pre-Trial Judge observes that, following the Request, the Defence decided to appeal the Detention Decision. Furthermore, the Pre-Trial Judge recalls that, in the context of an appeal against a previous detention decision, the Defence submitted a belated request to extend the time limit for its submissions on the subsequent review of Mr Shala’s detention.⁸

7. Accordingly, the Pre-Trial Judge orders the Defence to provide, by no later than 17 December 2021, submissions clarifying whether it will provide its submissions on the next review of Mr Shala’s detention in accordance with the schedule defined in the 18 November 2021 Decision, or whether it requests an extension of the time limit to provide its submissions on the next review of Mr Shala’s detention within ten days of the decision of the Court of Appeals on its appeal against the Detention Decision. If the Defence requests such an extension of time, it shall also indicate whether or not Mr Shala waives his right to have his detention reviewed within the statutory period.

⁶ KSC-BC-2020-04, F00110, Pre-Trial Judge, *Decision on Defence Request to Vary the Time Limit for Submissions on the Next Review of Mr Shala’s Detention*, public, 18 November 2021.

⁷ KSC-BC-2020-04, IA003/F00001, Specialist Counsel, *Defence Appeal against the Decision on Review of Detention of Pjetër Shala of 10 November 2021*, confidential, 22 November 2021.

⁸ KSC-BC-2020-04, F00060, Pre-Trial Judge, *Decision on the Defence Request for Variation of Time*, public, 10 August 2021, paras 10-11.

III. DISPOSITION

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

(a) **ORDERS** the Defence to provide submissions in accordance with paragraph 7 of the present order by no later than **Friday, 17 December 2021**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 14 December 2021

At The Hague, the Netherlands.