



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

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

Before: A Panel of the Court of Appeals Chamber
Judge Michèle Picard
Judge Emilio Gatti
Judge Nina Jørgensen

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 15 December 2021

Language: English

Classification: Public

Prosecution request for extension of time to respond to 'Defence Request for an Extension of Time to Appeal the 'Decision on Motion Challenging the Form of the Indictment'

Specialist Prosecutor
Jack Smith

Counsel for Pjetër Shala
Jean-Louis Gilissen

1. Pursuant to Rules 9(5)(a) and 76,¹ the Specialist Prosecutor's Office ('SPO') requests that the deadline for the filing of its response to the upcoming Defence appeal to decision KSC-BC-2020-04/F00089 ('Decision') be extended by five calendar days to Monday, 10 January 2022.
2. On 26 October 2021, the Defence sought certification to appeal four issues arising from the Decision.² On 29 November 2021, the Pre-Trial Judge partially granted the request and certified two issues for appeal.³
3. On 2 December 2021, the Defence filed a request for an extension of time to appeal the Decision.⁴ On 10 December 2021, the Appeals Chamber informed the parties that the Defence had demonstrated good cause for the requested extension of time,⁵ and authorised the Defence to file its appeal by 17 December 2021. The Court of Appeals noted that it 'consider[ed] that an equivalent extension of time for the SPO's response to the upcoming appeal would be in the interests of justice' and authorised the SPO to file its response by 5 January 2022.⁶
4. Good cause exists for the reasonable and proportionate additional extension requested. In line with the extension granted to the Defence, the Defence's appeal will not be received before the judicial recess and SPO's current response date would also

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless indicated otherwise, all references to 'Rule' or 'Rules' are to the Rules.

² Defence Application for Leave to Appeal the Decision on Motion Challenging the Form of the Indictment, KSC-BC-2020-04/F00094, 26 October 2021.

³ Decision on Application for Leave to Appeal "Decision on Motion Challenging the Form of the Indictment", KSC-BC-2020-04/F00116, 29 November 2021.

⁴ Defence Request for an Extension of Time to Appeal the 'Decision on Motion Challenging the Form of the Indictment', KSC-BC-2020-04/IA004/F00002, 2 December 2021.

⁵ E-mail from CMU entitled KSC-BC-2020-04/IA004/F00002, 10 December 2021, received on 16:01 PM.

⁶ E-mail from CMU, KSC-BC-2020-04/IA004/F00002, 10 December 2021, received at 16:01 hrs.

fall within the recess period, which extends through Friday, 7 January 2022.⁷ As the Defence noted in support of its requested extension, the certified issues are novel and complex and require careful and proper consideration.⁸ In order to provide focussed and complete submissions on such matters, and taking into account the fact that existing case deadlines, including in relation to the SPO's pre-trial brief due in January 2022 will already require significant work by the SPO during the recess period, there is good cause for short additional extension sought.

Word Count: 448



Jack Smith
Specialist Prosecutor

Wednesday, 15 December 2021
At The Hague, the Netherlands.

⁷ Judicial Recess Periods for 2021, KSCPR-2020/F00002, 10 November 2020, p.2.

⁸ Defence Request for an Extension of Time to Appeal the 'Decision on Motion Challenging the Form of the Indictment', KSC-BC-2020-04/IA004/F00002, 2 December 2021, para 5.