



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

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

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor

**Date:** 28 January 2022

**Language:** English

**Classification:** Public, with strictly confidential and *ex parte* annexes

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**Submission of Pre-Trial Brief, with witness and exhibit lists with strictly  
confidential and *ex parte* Annexes 1-3**

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**Specialist Prosecutor**  
Jack Smith

**Counsel for Pjetër Shala**  
Jean-Louis Gilissen

**Counsel for Victims**  
Simon Laws

1. Pursuant to Rule 95(4) of the Rules<sup>1</sup> and to the Pre-Trial Judge's order of 23 September 2021,<sup>2</sup> the Specialist Prosecutor's Office ('SPO') hereby files:
  - a. the Prosecution Pre-Trial Brief;<sup>3</sup>
  - b. the list of witnesses the SPO intends to call or otherwise rely upon at trial ('Witness List') with the information required by Rule 95(4)(b);<sup>4</sup> and
  - c. the list of proposed exhibits the SPO intends to present at trial ('Exhibit List').<sup>5</sup>
2. Consistent with Rule 95(4), the Pre-Trial Brief constitutes a summary of the evidence the SPO intends to present to prove its case, and the evidence cited therein is not exhaustive.
3. At the time of this filing, certain preliminary motions challenges are pending before the Court of Appeals Panel.<sup>6</sup> While these appeals remain pending, and without prejudice to the determination of the Court of Appeals Panel, the SPO based the Pre-Trial Brief, Witness List, and Exhibit List on the information contained in the corrected indictment.<sup>7</sup>

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<sup>1</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD0-3/Rev3/2020, 2 June 2020 ('Rules'). All references to Rule or Rules herein refer to the Rules, unless otherwise specified.

<sup>2</sup> KSC-BC-2020-04, Transcript, 23 September 2021, public, p.92, lines 10-20.

<sup>3</sup> Annex 1.

<sup>4</sup> Annex 2.

<sup>5</sup> Annex 3.

<sup>6</sup> Defence Appeal against Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers, KSC-BC-2020-04/IA002/F00003, Public, 8 November 2021; Defence Appeal with Leave against the 'Decision on Motion Challenging the Form of the Indictment', KSC-BC-2020-04/IA004/F00004, Public, 17 December 2021.

<sup>7</sup> Submission of corrected indictment with confidential Annex 1, KSC-BC-2020-04/F00098, Confidential, 1 November 2021.

4. Finally, the Pre-Trial Brief, the Witness List and the Exhibit List are filed as strictly confidential and *ex parte* to safeguard previously authorised protective measures. The SPO will file a confidential redacted version of these documents shortly and public redacted versions in due course.

**Word Count: 299**



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**Jack Smith**

**Specialist Prosecutor**

Friday, 28 January 2022  
At The Hague, the Netherlands.