



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

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: 18 February 2022

Language: English

Classification: Public

Public Redacted Version of
'Prosecution submissions for fifth status conference'

Specialist Prosecutor
Jack Smith

Counsel for Pjetër Shala
Jean-Louis Gilissen

Counsel for Victims
Simon Laws

I. INTRODUCTION

1. Pursuant to the Order Setting the Date for the Fifth Status Conference and for Submissions,¹ the Specialist Prosecutor's Office ('SPO') hereby provides written submissions on the items identified by the Pre-Trial Judge.²

II. SUBMISSIONS

A. DISCLOSURE

2. The SPO can confirm that it has not challenged the materiality of any of the requested items from the supplemented Rule 102(3) notice.

3. The SPO can further confirm that all requested materials from the supplemented Rule 102(3) notice, which did not require redactions, or required only standard redactions, were disclosed.

4. Since the last status conference, the SPO has made further progress and reviewed ca. 30 % of the outstanding documents mentioned in the supplemented Rule 102(3) notice for potentially exculpatory content. A very small number of documents falling under Rule 103 were found and are currently prepared for disclosure. The SPO expects these documents to be made available in advance of the 14 January 2022 status conference. The SPO plans to continue proceeding with comparable pace and strives towards disclosing any remaining documents falling under Rule 103 as soon as possible. The SPO will possibly file additional requests for protective measures in the future, even though no specific request is foreseeable at this time.

¹ Order Setting the Date for the Fifth Status Conference and for Submissions, KSC-BC-2020-04/F00126, 20 December 2021, Public ('Order Setting the Dates for the Fifth Status Conference and for Submissions').

² Order Setting the Dates for the Fifth Status Conference and for Submissions', KSC-BC-2020-04/F00126, para 11.

5. The SPO has received clearance from the information providers for additional items subject to restrictions under Rule 107, partially in redacted form. The SPO still awaits Rule 107 clearance for a small number of items.

6. The SPO anticipates to file a supplemental Rule 102(3) notice before the Fifth Status Conference to include the Rule 107 documents for which clearance was received, and may further supplement this list in the future as required.

7. The parties have frequently met and conferred *inter partes* about specific disclosure issues as they arise. The SPO is mindful of its ongoing disclosure obligations and seeks to address them in a timely manner.

8. At present, the SPO does not foresee difficulties related to the disclosure process as defined in the Framework Decision.³

B. TRANSLATIONS

9. The parties continue to be engaged in discussions about the translation of evidentiary materials which the SPO does not intend to rely on at trial. The SPO remains constructive in these discussions and anticipates to provide the Defence with a set of translations it had in-house by the end of this week.

C. SPO INVESTIGATIONS AND STEPS

10. The SPO has assessed that limited investigative steps are still required. Some of these steps, however, are not likely to be completed by [REDACTED]. The SPO can

³ See Framework Decision on Disclosure of Evidence and Related Matters, KSC-BC-2020-04/F00033, 30 April 2021, Public, para 92(g) ('Framework Decision')

provide further details about this delay, if possible in closed session, during the upcoming status conference. The SPO strives towards finishing these steps as soon as possible.

11. The SPO is on course to submit its pre-trial brief and related materials by 28 January 2022, and the SPO Rule 109(c) chart by 11 February 2022.

D. POINTS OF AGREEMENT ON MATTERS OF LAW AND FACT

12. The parties have continued their discussions regarding potential points of agreement on law and/or facts pursuant to Rules 95(3) and 156 of the Rules. The SPO expects to be in a position to submit a list of proposals to the Defence shortly after the filing of the pre-trial brief.

Word count: 601



Jack Smith

Specialist Prosecutor

Friday, 18 February 2022

At The Hague, the Netherlands.