



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: 8 March 2022

Language: English

Classification: Public

Public Redacted Version of

'Prosecution notice of Rule 102(1)(b) disclosure and request to amend its exhibit list', dated 17 February 2022

Specialist Prosecutor

Jack Smith

Counsel for Pjetër Shala

Jean-Louis Gilissen

Counsel for Victims

Simon Laws

I. INTRODUCTION

1. The Specialist Prosecutor's Office ('SPO') hereby gives notice of disclosure of one item of evidentiary material falling under Rule 102(1)(b) of the Rules.¹ The item in question is a handwritten record of a meeting with W04734.² A report of that same meeting was already disclosed to the Defence of Pjetër SHALA ('Defence') on 31 July 2021, but upon further review, the SPO has determined that the record now being disclosed contains additional detail warranting disclosure to the Defence.

II. SUBMISSIONS

A. IDENTIFICATION AND DISCLOSURE OF ONE ADDITIONAL ITEM FALLING UNDER RULE 102(1)(B)

2. On 31 July 2021, the SPO disclosed to the Defence a document entitled 'Annex A to Prosecutor Note', dated [REDACTED] ('Report').³ The Report summarises the first meeting between the Special Investigative Task Force ('SITF') and W04734.

3. At the end of January 2022, the SPO identified that a handwritten note taken by an SITF staff member during that meeting ('Notes') had not been submitted to the SPO's evidentiary collection.⁴ It is apparent that the Report was generated on the basis of the Notes. Upon review of the Notes, it was determined that they contain certain additional relevant information that was not included in the Report. The Notes were

¹ 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.

² Redacted version of notes concerning meeting between SITF Prosecutor and W04734, [REDACTED], 104837-104855 RED, disclosed in Disclosure Package 35 on 17 February 2022.

³ Redacted version of Annex A to Prosecutor's Note about conversation with W04734, 058578-058582 RED.

⁴ Redacted version of notes concerning meeting between SITF Prosecutor and W04734, [REDACTED], 104837-104855 RED.

thus immediately sent for translation into Albanian for their prompt disclosure to the Defence.

B. REQUEST TO ADD THE NOTES TO THE EXHIBIT LIST

4. Further to the disclosure of the Notes, the SPO requests the Pre-Trial Judge to be authorised to add the Notes to its exhibit list.

5. Once identified, the SPO took immediate action to ensure the prompt disclosure of the Notes to the Defence. Further, the Notes concern a meeting which is already known to the Defence as it was summarised in the already disclosed Report. While the Notes contain some additional information to that disclosed in the Report, this information is cumulative or similar in nature to that contained in other statements of W04734, or adds further detail to these statements. On this basis, and considering the scope of the case and the stage of the proceedings, addition of the Notes to the SPO exhibit list will not cause any prejudice to the Defence.

C. DISCLOSURE OF A LESS REDACTED VERSION OF THE REPORT

6. The SPO has also re-reviewed the standard redactions contained in the disclosed version of the Report, and is simultaneously disclosing a less redacted version of that Report.⁵

III. RELIEF REQUESTED

7. For these reasons, the SPO provides notice of disclosure to the Defence of the Notes, and seeks leave to add the Notes to the list of materials to be relied upon at trial pursuant to Rule 102(1)(b).

⁵ Redacted version of Annex A to Prosecutor's Note about conversation with W04734, [REDACTED], 058578-058582 RED2, disclosed in Disclosure Package 35 on 17 February 2022.

Word Count: 548



Jack Smith

Specialist Prosecutor

Tuesday, 8 March 2022
At The Hague, the Netherlands.