



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: 30 May 2022

Language: English

Classification: Public

Public Redacted Version of

'Prosecution reply to Defence response to Prosecution request pursuant to Rule 102(2) and to amend its witness and exhibit lists', KSC-BC-2020-04/F00180, dated 11 April 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 replies to two new issues¹ raised in the Response,² namely, the Defence contention that the [REDACTED] cannot be considered an unforeseen event,³ and that the SPO is attempting to 'amend' its case. Both contentions are incorrect and unsupported by the evidence cited in the Response.
2. As a preliminary matter, however, the SPO wishes to correct a typographical error in the Request,⁴ where the SPO listed W04276, W04480, W04481, and W04882 as the witnesses whose statements it seeks to disclose. W04480 and W04481 are incorrect witness numbers. The correct numbers for these witnesses are W04880 and W04881.

II. SUBMISSIONS

A. NO PARTICULAR INDICATION THAT [REDACTED]

3. The SPO had neither knowledge nor indications that [REDACTED]. The Defence's contention is based on W04733's explanation of the effects that the beatings he suffered while detained [REDACTED].⁵ While the consequences [REDACTED] were very serious, [REDACTED]. The Defence has failed to point to any other circumstance [REDACTED].

B. THE SCOPE OF THE PROSECUTION'S CASE REMAINS UNCHANGED

¹ See Rule 76 of the 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 Response to 'Prosecution Request pursuant to Rule 102(2) and to amend its witness and exhibit list', KSC-BC-2020-04/F00175, 6 April 2022, confidential ('Response').

³ Response, KSC-BC-2020-04/F00175, para.5.

⁴ Prosecution request pursuant to Rule 102(2) and to amend its witness and exhibit lists, KSC-BC-2020-04/F00169, 25 March 2022, confidential ('Request').

⁵ 082892-TR-ET Part 3, pp.38-40; 082892-TR-AT-ET Part 9, p.23.

4. The contention that the SPO is attempting to 'amend' its case is equally incorrect. The SPO's case against the Accused remains the same. The four witnesses whose statements the SPO seeks to disclose provide primarily corroboration [REDACTED]. Accordingly, there are no new events or allegations for the Defence to investigate further to the disclosure of these witnesses' statements.

III. RELIEF REQUESTED

5. The SPO requests the Pre-Trial Judge to grant the Request.

Word Count: 331



Jack Smith

Specialist Prosecutor

Monday, 30 May 2022
At The Hague, the Netherlands.