

Case No.: KSC-BC-2020-04
Specialist Prosecutor v. Pjetër Shala

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 27 July 2022

Filing Party: Specialist Defence Counsel

Original Language: English

Classification: Public

THE SPECIALIST PROSECUTOR
v.
PJETËR SHALA

**Defence Request for an Extension of Time for its Submissions
on Review of Detention**

Specialist Prosecutor's Office:
Jack Smith

Specialist Counsel for the Accused:
Jean-Louis Gilissen
Hédi Aouini
Leto Cariolou

Counsel for Victims
Simon Laws QC
Maria Radziejowska

1. On 22 June 2022, the Pre-Trial Judge ordered the continued detention of Mr Pjetër Shala.¹ In his decision, the Pre-Trial Judge instructed the Defence for Mr Shala (“Defence”) to file any submissions on the next review of detention by 1 August 2022 or respond to any submissions of the Prosecution on the next review of detention by 15 August 2022.²
2. Pursuant to Rule 9(5)(a) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), the Defence requests a variation of the afore-mentioned time limit so that the Defence is allowed additional time to file its response to any submissions of the Prosecution on the next review of detention.
3. Good cause exists as the Defence is facing a number of competing procedural obligations, all of which are particularly important and render the requested extension necessary.
4. Specifically, the Defence is required to indicate any objections to the admissibility of evidentiary material by 12 August 2022 and file its Pre-Trial Brief by 5 September 2022.³ In this period, the Defence must complete its review of all material disclosed by the Prosecution, including material related to the last-minute additions to the Prosecution’s Witness and Exhibits Lists as well as its review of exculpatory material disclosed under Rule 103 of the Rules some of which was disclosed as late as on 8 and 22 July 2022.⁴ In addition, the Defence

¹ KSC-BC-2020-04, F00224, Decision on Review of Detention of Pjetër Shala, 22 June 2022 (confidential)(“Detention Decision dated 22 June 2022”), para. 55(a).

² Detention Decision dated 22 June 2022, para. 55(b) and (c).

³ KSC-BC-2020-04, F00234, Decision on Specialist Prosecutor’s Rule 102(2) and Related Requests, 20 July 2022 (confidential), para. 46.

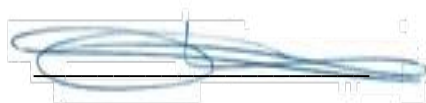
⁴ The Defence will be requesting a remedy for the breach of the Prosecution’s disclosure obligations in a separate filing and the present request is submitted without prejudice to the rights of the Accused in this respect.

is simultaneously pursuing a number of challenges to the fairness of these proceedings, which at present remain confidential.

5. Evidently, the Defence must focus its resources on its investigations prior to the submission of the Defence Pre-Trial Brief and the forthcoming transmission of the case file to the Trial Chamber. The Defence investigations are delayed by the lack of due diligence with which the Prosecution is disclosing essential exculpatory material in its possession.
6. In light of the above, the Defence respectfully requests the Pre-Trial Judge to allow the submission of its response to the Prosecution observations on the continued detention of the Accused at any time deemed appropriate after the Defence Pre-Trial Brief is filed on 5 September 2022.

Word count: 436

Respectfully submitted,



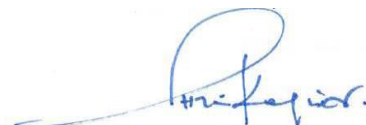
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Wednesday, 27 July 2022

The Hague, the Netherlands