



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 2 August 2022

Language: English

Classification: Public

**Decision on Defence Request for Extension of Time for Submissions on Review
of Detention**

Specialist Prosecutor
Jack Smith

Counsel for the Accused
Jean-Louis Gilissen

Counsel for Victims
Simon Laws

THE PRE-TRIAL JUDGE,¹ pursuant to Article 41(10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 9(5)(a) and (6) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 22 June 2022, the Pre-Trial Judge ordered the continued detention of Pjetër Shala ("Mr Shala") ("Detention Decision").² The Pre-Trial Judge ordered Mr Shala, if he so wishes, to file submissions on the next review of detention by no later than Monday, 1 August 2022, or to respond to any submissions of the Specialist Prosecutor's Office ("SPO") by no later than Monday, 15 August 2022.³

2. On 27 July 2022, the Defence for Mr Shala ("Defence") filed a request for an extension of the time limit to provide submissions on the next review of detention ("Request").⁴ In particular, the Defence requests the Pre-Trial Judge to allow the submission of its response to the SPO submissions on the continued detention of Mr Shala at any time deemed appropriate after the filing of the Defence pre-trial brief, which is due on 5 September 2022.⁵ The Defence submits that good cause exists for the requested extension, as it is currently facing a number of competing procedural obligations, such as the indication of any objections to the admissibility of evidentiary material and the filing of its pre-trial brief.⁶ Moreover, the Defence submits that it is reviewing the material recently disclosed by the SPO, pursuing

¹ KSC-BC-2020-04, F00001, President, *Decision Assigning a Pre-Trial Judge*, 14 February 2020, public.

² KSC-BC-2020-04, F00224, Pre-Trial Judge, *Decision on Review of Detention of Pjetër Shala*, 22 June 2022, confidential. A public redacted version was filed on the same day, F00224/RED.

³ Detention Decision, para. 55(b)-(c).

⁴ KSC-BC-2020-04, F00240, Specialist Counsel, *Defence Request for an Extension of Time for its Submissions on Review of Detention*, 27 July 2022, public.

⁵ Request, paras 2, 6.

⁶ Request, paras 3-4.

a number of challenges to the fairness of the proceedings, and finalising its investigations.⁷

3. On 1 August 2022, the Defence supplemented the Request confirming that Mr Shala waives, for a period of five weeks, his right to have his detention reviewed by 22 August 2022 (“Supplement to the Request”).⁸

II. APPLICABLE LAW

4. Pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, until a judgment is final or until release, upon the expiry of two (2) months from the last ruling on detention on remand, the Pre-Trial Judge or Panel seized with the case shall examine whether reasons for detention on remand still exist and render a ruling by which detention on remand is extended or terminated.

5. Pursuant to Rule 9(5)(a) of the Rules, the Pre-Trial Judge may, *proprio motu* or upon showing of good cause, extend or reduce any time limit prescribed by the Rules or set by the Panel.

6. Pursuant to Rule 9(6) of the Rules, where no prejudice is caused to the opposing Party, a motion for variation of time may be disposed of without giving the opposing Party the opportunity to be heard.

⁷ Request, paras 4-5.

⁸ KSC-BC-2020-04, F00244, Specialist Counsel, *Submission in Support of the Request for an Extension of Time to Submit the Defence Observations on Next Review of Detention*, 1 August 2022, public, with Annex 1, strictly confidential.

III. DISCUSSION

7. Having considered the reasons put forward by the Defence, in particular its competing procedural obligations, the Pre-Trial Judge finds that good cause has been demonstrated, warranting a limited extension of time. In this regard, the Pre-Trial Judge further notes that Mr Shala has waived his right to have his detention reviewed before the expiry of the two-month time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules.⁹ Lastly, when amending the briefing schedule for the upcoming review of detention, the Pre-Trial Judge is mindful of the impending transmission of the case to trial on 21 September 2022.¹⁰

8. In view of the fact that the SPO's submissions would also benefit from a limited extension of time, the Pre-Trial Judge considers that no prejudice has been caused in issuing the present decision prior to receiving the SPO's response to the Request.

IV. DISPOSITION

9. For the above-mentioned reasons, the Pre-Trial Judge hereby:

(a) **GRANTS** the Request;

(b) **ORDERS** the Defence, if it wishes to do so, to provide submissions on the review of Mr Shala's detention by no later than **Friday, 26 August 2022**, with responses and replies following the timeline set out in Rule 76 of the Rules; and

(c) **ORDERS** the SPO, should Mr Shala decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Shala's detention by no later than **Monday, 5 September 2022**, and

⁹ Annex 1 to Supplement to the Request.

¹⁰ KSC-BC-2020-04, F00234, Pre-Trial Judge, *Decision on Specialist Prosecutor's Rule 102(2) and Related Requests*, 20 July 2022, confidential, para. 46(f).

Mr Shala, if he wishes to do so, to file his submissions in response by no later than **Monday, 12 September 2022**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 2 August 2022
At The Hague, the Netherlands.