



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

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Date:** 21 September 2022

**Language:** English

**Classification:** Public

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**Decision Transmitting the Case File to Trial Panel I**

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**Trial Panel I**

Judge Roland Dekkers

Judge Mappie Veldt-Foglia

Judge Gilbert Bitti

Judge Vladimir Mikula (reserve)

**Specialist Prosecutor**

Jack Smith

**Counsel for the Accused**

Jean-Louis Gilissen

**Counsel for Victims**

Simon Laws

**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Rule 98(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby issues this decision.

## I. PROCEDURAL BACKGROUND

1. On 19 June 2020, further to a decision by the Pre-Trial Judge (“Confirmation Decision”),<sup>2</sup> the Specialist Prosecutor’s Office (“SPO”) submitted a Confirmed Indictment against Pjetër Shala (“Mr Shala” or “Accused”).<sup>3</sup>

2. On 16 March 2021, Mr Shala was arrested in the Kingdom of Belgium (“Belgium”), pursuant to an arrest warrant issued by the Pre-Trial Judge.<sup>4</sup> On 15 April 2021, Mr Shala was transferred to the Detention Facilities of the Specialist Chambers (“SC”) in The Hague, the Netherlands.<sup>5</sup>

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

<sup>2</sup> KSC-BC-2020-04, F00007, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Pjetër Shala*, 12 June 2020, strictly confidential and *ex parte*. A confidential redacted version and a public redacted version were issued on 6 May 2021, F00007/CONF/RED and F00007/RED.

<sup>3</sup> KSC-BC-2020-04, F00010, Specialist Prosecutor, *Submission of Confirmed Indictment*, 19 June 2020, public, with Annex 1, strictly confidential and *ex parte*, and Annex 2, confidential. A confidential, lesser redacted version and a public, further redacted version of the Confirmed Indictment were submitted on 31 March 2021, F00016/A01, confidential, F00016/A02, public. A further lesser redacted, confidential version of the Confirmed Indictment was submitted on 25 May 2021, F00038/A01. Following the Pre-Trial Judge’s decision on the Defence’s motion challenging the form of the Confirmed Indictment, a corrected indictment was submitted on 1 November 2021, F00098/A01, confidential, and 16 November 2021, F00107/A01, public.

<sup>4</sup> KSC-BC-2020-04, F00008, Pre-Trial Judge, *Decision on Request for Arrest Warrant and Transfer Order*, 12 June 2020, confidential. A public redacted version was issued on 6 May 2021, F00008/RED; F00008/A01, Pre-Trial Judge, *Arrest Warrant for Mr Pjetër Shala*, 12 June 2020, strictly confidential and *ex parte*. A public redacted version was issued on 15 April 2021, F00008/A01/RED. *See also* KSC-BC-2020-04, F00013, Registrar, *Notification of Arrest Pursuant to Rule 55(4)*, 16 March 2021, public.

<sup>5</sup> KSC-BC-2020-04, F00019, Registrar, *Notification of Reception of Pjetër Shala in the Detention Facilities of the Specialist Chambers and Conditional Assignment of Counsel*, 15 April 2021, confidential, para. 2, with Annexes 1-2, confidential. A public redacted version was submitted on 26 April 2021, F00019/RED. F00013, Registrar, *Notification of Arrest Pursuant to Rule 55(4)*, 16 March 2021, public.

3. On 20 July 2022, the Pre-Trial Judge informed the Parties and Victims' Counsel that the transmission of the case file to the Trial Panel is anticipated to take place on 21 September 2022.<sup>6</sup>

4. On 15 September 2022, the Pre-Trial Judge notified the President of the Specialist Chambers ("President") that a complete case file would be ready for transmission on Wednesday, 21 September 2022.<sup>7</sup>

5. On 15 September 2022, the President assigned the case to Trial Panel I, composed of Judges Roland Dekkers, Mappie Veldt-Foglia, Gilbert Bitti, and Vladimir Mikula (reserve).<sup>8</sup>

## II. APPLICABLE LAW

6. Pursuant to Rule 98(1) of the Rules, after receiving the SPO and the Defence respective Pre-Trial Briefs, lists of witnesses and lists of exhibits, as stipulated in Rule 95(4) and (5) of the Rules, the Pre-Trial Judge shall transmit to the Trial Panel a complete case file consisting of:

- (a) The indictment as confirmed;
- (b) All filings and material submitted through the electronic court management system;
- (c) Any evidentiary material received not subject to paragraph (1)(b);

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<sup>6</sup> 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). A public redacted version was issued on 8 August 2022, F00234/RED.

<sup>7</sup> KSC-BC-2020-04, F00275, Pre-Trial Judge, *Notification Pursuant to Rule 98(3) of the Rules of Procedure and Evidence*, 15 September 2022, public, para. 4.

<sup>8</sup> KSC-BC-2020-04, F00276, President, *Decision Assigning Trial Panel I*, 15 September, public.

- (d) Any other correspondence with respect to the case not filed with the Court Management Unit;
- (e) A Handover Document summarising:
  - (i). the arguments of the Parties and, where applicable, Victims' Counsel on the facts and the applicable law;
  - (ii). the points of agreement;
  - (iii). a list of the orders and decisions rendered by the Pre-Trial Judge;
  - (iv). the evidentiary material produced by each Party;
  - (v). suggestions as to the number and relevance of the witnesses to be called;
  - (vi). the questions of fact and law that are in dispute;
  - (vii). the state of advancement of the disclosure process;
  - (viii). all meetings with the Parties; and
  - (ix). any other matter that remained unresolved;
- (f) Any application and decision concerning disclosure; and
- (g) Any other material relevant to the case.

7. Pursuant to Rule 98(2) of the Rules, the transmission of the case file shall be completed by means of electronic access.

### III. DISCUSSION

8. The Pre-Trial Judge finds that all necessary procedural steps have been taken in order to consider case file KSC-BC-2020-04 complete and, therefore, ready to be transmitted to Trial Panel I, in accordance with Rule 98 of the Rules.

9. In particular, the Pre-Trial Judge has prepared a Handover Document, containing the information prescribed by Rule 98(1)(e) of the Rules, for the benefit of the Trial Panel and the Parties and Victims' Counsel. The Pre-Trial Judge specifies that, due to the non-public information contained in the Handover Document, it cannot be made public at this stage. The Handover Document is annexed to this decision.

#### IV. DISPOSITION

10. For the above-mentioned reasons, the Pre-Trial Judge hereby **TRANSMITS** case file KSC-BC-2020-04 to Trial Panel I, including the Handover Document annexed to the present decision.



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**Judge Nicolas Guillou**  
**Pre-Trial Judge**

Dated this Wednesday, 21 September 2022

At The Hague, the Netherlands.