



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

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

**Before:** **Trial Panel I**  
Judge Mappie Veldt-Foglia, Presiding Judge  
Judge Roland Dekkers  
Judge Gilbert Bitti  
Judge Vladimir Mikula, Reserve

**Registrar:** Dr Fidelma Donlon

**Filing Party:** Specialist Prosecutor

**Date:** 27 October 2022

**Language:** English

**Classification:** Confidential

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**Prosecution request for extension of word limit**

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**Specialist Prosecutor's Office**

Jack Smith

**Counsel for Pjetër Shala**

Jean-Louis Gilissen

**Counsel for Victims**

Simon Laws

1. Following the Trial Panel's ('Panel') Oral Order,<sup>1</sup> and pursuant to Article 36(1) of the Practice Direction,<sup>2</sup> the Specialist Prosecutor's Office ('SPO') requests the Panel to authorise a limit of 10,000 words for its submissions ('SPO Submissions') on the merits of the challenges raised in the Defence Motion.<sup>3</sup> Good cause exists in light of the importance and complexity of the relevant issues and scope of both the Defence Motion and anticipated SPO Submissions.

2. The statements given by Pjetër SHALA ('Accused') to the Belgian authorities in 2016 and 2019 are particularly relevant and important pieces of evidence, and the submissions requested by the Panel in response to the Defence Motion require a complex factual and legal analysis spanning several different topics. In the interest of fair and expeditious proceedings, the SPO also intends to seek the admission of the Accused's statements as part of the SPO Submissions.

3. In addition to addressing the relevant admissibility criteria under Rules 137 and 138 of the Rules,<sup>4</sup> the SPO needs to explain and address in detail the facts surrounding the 2016 and 2019 interviews of the Accused. The Defence Motion also contains challenges to the reliability of part of the interview records,<sup>5</sup> allegations about the respect of the Accused's right to be interviewed in a language he understands,<sup>6</sup> submissions on the applicability of Belgian law,<sup>7</sup> and a lengthy overview of the

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<sup>1</sup> Order to the SPO to file observations by 1 November 2022, 20 October 2022, page 495 of the trial transcript ('Oral Order').

<sup>2</sup> Practice Direction, Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019 ('Practice Direction').

<sup>3</sup> Motion to Exclude Evidence from the Case File to be Transmitted to the Trial Panel with Confidential Annexes 103, KSC-BC-2020-04/F00281, 20 September 2022, confidential ('Defence Motion'). The Prosecution Response had requested to reject the Defence Motion because premature, without addressing in detail the merits of the Defence allegations, *see* Prosecution Response to Defence motion to exclude evidence from the case file, KSC-BC-2020-04/F00288, 30 September 2022, confidential.

<sup>4</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

<sup>5</sup> Defence Motion, KSC-BC-2020-04/F00281, para.21.

<sup>6</sup> Defence Motion, KSC-BC-2020-04/F00281, paras 16, 21, 27, 39, 45.

<sup>7</sup> *See e.g.* Defence Motion, KSC-BC-2020-04/F00281, paras 26, 28, 40.

jurisprudence of the European Court of Human Rights and other courts.<sup>8</sup> The SPO must thoroughly address these submissions.

4. Based on the foregoing, the SPO requests the Panel to authorise a word limit of 10,000 words for the SPO Submissions.

5. This request is confidential pursuant to Rule 82(4).

**Word count: 440**



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**Jack Smith**

**Specialist Prosecutor**

Thursday, 27 October 2022

At The Hague, the Netherlands.

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<sup>8</sup> Defence Motion, KSC-BC-2020-04/F00281, paras 29-38.