

Case No.: 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 Judge

Registrar: Dr Fidelma Donlon

Date: 9 November 2022

Filing Party: Specialist Defence Counsel

Original Language: English

Classification: Confidential

THE SPECIALIST PROSECUTOR
v.
PJETËR SHALA

Defence Request for an Extension of Time for its Response to the Prosecution
Motion for the Admission of Statements

Specialist Prosecutor's Office:
Jack Smith

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

Counsel for Victims
Simon Laws KC
Maria Radziejowska

1. On 20 September 2022, the Defence for Mr Pjetër Shala (“Defence” and “Accused”, respectively) sought the exclusion from the case file in this case of the transcripts of interviews with the Accused with various authorities, their associated audio-video recordings, and all references to them in related SPO Official Notes and other filings and material submitted through the electronic court management system.¹
2. On 30 September 2022, the Specialist Prosecutor’s Office (“SPO”) responded to the Motion.² On 7 October 2022, the Defence filed its Reply.³
3. Pursuant to the Trial Panel’s Order of 20 October 2022,⁴ on 1 November 2022 the SPO filed additional submissions on this matter and requested the Panel to admit the contested material to the trial record in this case.⁵
4. 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 time limit set in Rule 76 of the Rules so that the Defence be allowed additional time to file its response to the Prosecution’s submissions. At present, the Defence Response is due on 14 November 2022.
5. Good cause exists as the Defence is facing a number of overlapping and competing procedural obligations, all of which are particularly important and render the requested extension necessary.

¹ KSC-BC-2020-04, F00281, Defence Motion to Exclude Evidence from the Case File to be Transmitted to the Trial Panel with Confidential Annexes 1-3, 20 September 2022 (confidential)(“Motion”), paras. 53, 54. All further references to filings in this Request concern Case No. KSC-BC-2020-04 unless otherwise indicated.

² F00288, Prosecution response to Defence motion to exclude evidence from the case file, 30 September 2022 (confidential).

³ F00299, Defence Reply to Prosecution Response to Defence Motion to Exclude evidence from the Case File, 7 October 2022 (confidential).

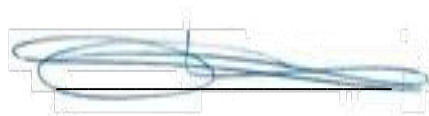
⁴ T. 20 October 2022 p. 495 (instructing the SPO to provide additional observations).

⁵ F00334, Prosecution Motion for admission of Accused’s statements with confidential Annex 1, 1 November 2022 (confidential) (“Prosecution Motion”), paras. 1, 2, 27, 28, 65.

6. Specifically, in addition to advancing the Defence case at present the Defence is required to file submissions on the mode of any reparation proceedings by 11 November 2011,⁶ its Rule 149(2) Notice on the SPO expert witnesses by 14 November 2022,⁷ and its response to the Prosecution Request for restrictions of the Accused's communications on 16 November 2022.⁸ The joint submission on the adaptation of the Framework for the Handling of Confidential Information during Investigations and Contacts with Witnesses of the Opposing Party or of a Participant is also due on 16 November 2022.⁹ The Defence is also currently involved in litigation before a Constitutional Court Panel.
7. The requested variation would not cause prejudice to the SPO and would allow the Defence sufficient time to present effective submissions that will assist the Panel in its determination of the relevant issues at stake.
8. In light of the above, the Defence respectfully requests the Panel to grant a ten-day extension so that it can submit its response to the Prosecution Motion by 24 November 2022.

Word count: 541

Respectfully submitted,



Jean-Louis Gilissen

Specialist Defence Counsel

⁶ T. 19 October 2022, p. 408.

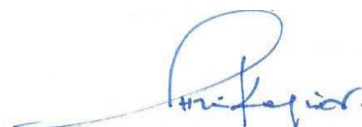
⁷ T. 19 October 2022, pp. 401, 402.

⁸ F00336, Prosecution request for restrictions of the Accused's communications, 4 November 2022 (confidential).

⁹ T. 19 October 2022, pp. 405, 406.



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Wednesday, 9 November 2022

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