



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-04

The 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: Fidelma Donlon

Date: 10 November 2022

Language: English

Classification: Public

Public redacted version of

**Order for submissions on the "Prosecution request for restrictions of the
Accused's communications" (KSC-BC-2020-04/F00336)**

Specialist Prosecutor

Jack Smith

Counsel for the Accused

Jean-Louis Gilissen

Registry

Registrar

Chief Detention Officer

Victims' Counsel

Simon Laws

TRIAL PANEL I (Panel) hereby renders this order for submissions by the Registry on the “Prosecution request for restrictions of the Accused’s communications” (KSC-BC-2020-04/F00336).

I. PROCEDURAL BACKGROUND

1. On 4 November 2022 the Specialist Prosecutor’s Office (SPO) submitted the “Prosecution request for restrictions of the Accused’s communications” (Request).¹

II. SUBMISSIONS

2. The SPO submits that there is a risk that Pjetër Shala (Accused) may interfere with witnesses and victims and obstruct the progress of the Specialist Chamber’s (SC) proceedings, considering the Accused’s previous threatening statements [REDACTED] and the climate of witness intimidation and interference prevailing in Kosovo.² The SPO posits that said risk was further aggravated by the transmission of the case file to the Panel, the filing of the updated witness and exhibit lists, and the disclosure of the identities and materials pertaining to [REDACTED] which increased the Accused’s insight into the identity of incriminating witnesses.³

3. Accordingly, the SPO requests the Panel to: (i) order the active monitoring of the Accused’s non-privileged communications with the outside world; (ii) limit the Accused’s communications to a list of pre-approved individuals; (iii) invite the Registry to make submissions on the feasibility of, and appropriate measures for, the implementation of the Request; (iv) order the adoption of any other measures which

¹ KSC-BC-2020-04, F00336, Specialist Prosecutor, *Prosecution request for restrictions of the Accused’s communications*, 4 November 2022, confidential.

² Request, para. 8.

³ Request, para. 9.

may be identified by the Registry as necessary to mitigate the risks identified in the Request; and (v) issue an order to the Accused not to divulge any confidential information to persons outside of his defence team.⁴

III. ANALYSIS

4. The Panel recalls that, pursuant to Article 34(1) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law), the Registry is the neutral organ of the SC, acting as service provider in relation to its administration and functioning. Pursuant to Article 34(12) of the Law, the Registrar is responsible for the management of the SC detention facilities and, accordingly, any variation that the Panel may order in relation to the Accused's conditions of detention, would necessarily be implemented by the Registry.

5. Therefore, without prejudice to any decision to be taken on the Request, the Panel considers it appropriate to order the Registrar to file, by **Thursday, 24 November 2022, at 16:00 hours**, submissions on the Request, in particular on: (i) the feasibility of the measures requested by the SPO; (ii) the resources and time needed to implement such measures, should they be ordered; (iii) any additional or alternative measures she considers available, subject to the Panel's decision, to address the risks identified by the SPO; and (iv) any other issues she considers appropriate to raise in relation to the Request.

⁴ Request, paras 1, 12-14.

IV. DISPOSITION

6. For the above-mentioned reasons, the Panel hereby:

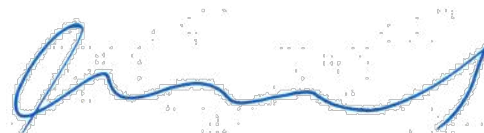
ORDERS the Registrar to file, by **Thursday, 24 November 2022, at 16:00 hours**, submissions as specified in paragraph 5 above.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Thursday, 10 November 2022

At The Hague, the Netherlands.