



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: **KSC-BC-2020-04**

The 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: Fidelma Donlon

Date: 28 April 2023

Language: English

Classification: **Public**

Decision on Defence request for extension of time limit (F00494)

Acting Specialist Prosecutor
Alex Whiting

Counsel for the Accused
Jean-Louis Gilissen

Victims' Counsel
Simon Laws

TRIAL PANEL I (Panel) hereby renders this decision on the Defence request for extension of time limit (F00494).

I. PROCEDURAL BACKGROUND

1. On 14 April 2023, the Specialist Prosecutor's Office (SPO) filed the "Prosecution motion for judicial notice of facts of common knowledge and adjudicated facts" (Motion).¹
2. On 25 April 2023, the Defence for Pjetër Shala (Defence) requested a 10-day extension of the time limit to file its response to the Motion (Request).²
3. On 26 April 2023, the SPO informed the Panel, *via* e-mail, that it would not respond to the Request.

II. APPLICABLE LAW

4. The Panel notes Article 40(2) and (6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rules 9(5)(a), 76 and 82(5) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules).

¹ KSC-BC-2020-04, F00484, Specialist Prosecutor, *Prosecution motion for judicial notice of facts of common knowledge and adjudicated facts*, 14 April 2023, public, with Annex 1, public, and Annexes 2 and 3, confidential.

² KSC-BC-2020-04, F00494, Defence, *Defence Request for an Extension of Time for its Response to the Prosecution Motion for Judicial Notice of Facts of Common Knowledge and Adjudicated Facts*, 25 April 2023, confidential, para. 1.

III. DISCUSSION

5. At the outset, the Panel finds that the Request has been submitted sufficiently in advance to enable the Panel to rule on it before the expiry of the time limit, which is Friday, 28 April 2023, as required by Rule 76 of the Rules.

6. The Panel further finds that the Defence has shown good cause, as required by Rule 9(5)(a) of the Rules. The Defence has convincingly explained that it needs additional time to analyse and consider the Motion, given the complexity of the issues set out therein and the number of proposed facts of common knowledge and adjudicated facts.³ In addition, the Defence is also preparing for the upcoming second evidentiary block.

7. Accordingly, the Panel considers it appropriate to vary, pursuant to Rule 9(5)(a) of the Rules, the time limit for the Defence to file its response to the Motion to **Wednesday, 10 May 2023**.

8. Lastly, the Panel finds that the Request may be reclassified as public,⁴ pursuant to Rule 82(5) of the Rules, as it does not contain any confidential information.

IV. DISPOSITION

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

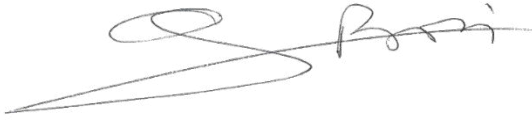
- a. **GRANTS** the Request;
- b. **ORDERS** the Defence to file its response to the Motion by **Wednesday, 10 May 2023**; and
- c. **ORDERS** the Registry to reclassify the Request (F00494) as public.

³ Request, para. 2.

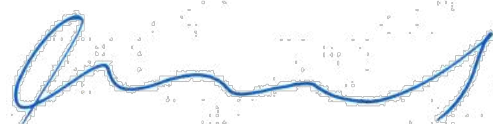
⁴ Request, para. 4.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Friday, 28 April 2023

At The Hague, the Netherlands.