



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: 12 June 2023

Language: English

Classification: **Public**

Order on the filing of the Rule 153 request concerning witness TW4-04 and shortening time limits

Acting Specialist Prosecutor
Alex Whiting

Counsel for the Accused
Jean-Louis Gilissen

Victims' Counsel
Simon Laws

TRIAL PANEL I (Panel) hereby renders this order on the filing of the Rule 153 request concerning witness TW4-04 and shortening time limits.

I. PROCEDURAL BACKGROUND

1. On 24 May 2023, the Specialist Prosecutor's Office (SPO) informed the Panel, the Defence for Pjetër Shala (Defence) and Victims' Counsel that it anticipated to be able to conclude the presentation of its case before the summer court recess, by 4 or 5 July 2023. The SPO further submitted that it intended to re-assess the most appropriate mode of testimony for witness TW4-04, including the possible submission of a request under Rule 153 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules), and that it would make this assessment after the testimony of witness TW4-01.¹

2. On 6 June 2023, witness TW4-01 concluded his testimony.²

3. On 9 June 2023, the SPO informed the Panel, the Defence and Victims' Counsel that it intended to request the admission of the written statements of witness TW4-04 in lieu of his oral testimony, under Rule 153 of the Rules, as soon as possible (Request).³

¹ KSC-BC-2020-04, F00521, Specialist Prosecutor, *Prosecution submission of updated order of appearance of witnesses*, 24 May 2023, public, paras 4, 6.

² KSC-BC-2020-04, Transcript of Hearing, 6 June 2023, public, p. 1937, line 25 to p. 1938, line 11.

³ KSC-BC-2020-04, F00539, Specialist Prosecutor, *Notification of dates and mode of testimony of witnesses for the fourth evidentiary block* (Notification), 9 June 2023, public, para. 2.

II. APPLICABLE LAW

4. The Panel notes Articles 21(4)(d) and 40(2) of Law No. 05/L-53 on Specialist Chambers and Specialist Prosecutor's Office, and Rules 9(5)(a), 76 and 116(1) of the Rules.

III. ANALYSIS

5. The Panel considers it important that the SPO is able to conclude its presentation of evidence before the summer court recess, as anticipated, in order to ensure an expeditious trial and to give effect to Mr Shala's right to be tried within a reasonable time.

6. However, the Panel notes that the remaining hearing days before the summer court recess are limited.⁴ In order to enable the SPO to call witness TW4-04 to testify live within the remaining days, should the Panel reject the Request, the Panel finds it necessary to receive the Request as soon as possible⁵ and sets the following compressed briefing schedule:

- a. the SPO shall file the Request no later than **Wednesday, 14 June 2023, at 12h00;**
- b. the Defence and Victims' Counsel shall respond, if they so wish, no later than **Monday, 19 June 2023, at 16h00;**
- c. the Panel will not entertain a reply, in this particular case.

⁴ The Panel is scheduled to sit in court for hearings on 26-28 June and 3-7 July 2023; see KSC-BC-2020-04, F00434/RED, Trial Panel I, *Public redacted version of Decision on the conduct of the proceedings*, 24 February 2023, public, paras 24-25, 82(c).

⁵ See also Notification, para. 2, where the SPO states that it will file the Request as soon as possible, without however indicating when it will do so.

7. In addition, the Panel directs the Registry to continue the necessary preparations for the testimony of witness TW4-04, in order to enable him to appear before the Panel between 27 June and 3 July 2023, should the Panel reject the Request.⁶ The SPO is directed to communicate with the witness and with the Registry accordingly.

IV. DISPOSITION

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

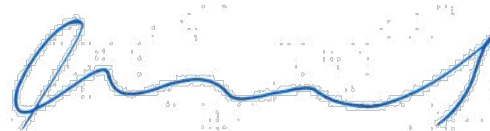
INSTRUCTS the Parties, Victims' Counsel and the Registry, as the case may be, to comply with the time limits and directions set out above.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Monday, 12 June 2023

At The Hague, the Netherlands.

⁶ See further KSC-BC-2020-04, F00482/RED, *Public redacted version of Decision on the Specialist Prosecutor's request for video-conference testimony for TW4-04, TW4-10 and TW4-11*, 13 April 2023, public, para. 23, authorising the testimony of witness TW4-04 to be given by means of video-conference.