



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 Roland Dekkers
Judge Gilbert Bitti
Judge Vladimir Mikula, Reserve

Registrar: Dr Fidelma Donlon

Filing Party: Acting Specialist Prosecutor

Date: 7 July 2023

Language: English

Classification: Public

Prosecution response to Defence request for an extension of time and word limits

Specialist Prosecutor's Office

Alex Whiting

Counsel for Victims

Simon Laws

Counsel for the Accused

Jean-Louis Gilissen

I. INTRODUCTION

1. The Specialist Prosecutor's Office ('SPO') does not oppose the Defence request for an extension of time to file a motion under Rule 130 of the Rules¹ ('Rule 130 Motion'),² but requests the Trial Panel ('Panel') to set an earlier deadline, which would facilitate the expeditious conduct of the proceedings and enable the parties to complete the Rule 130 briefing³ sufficiently in advance of the start of the Defence case on 18 September 2023.

2. The SPO opposes an extension of the word limit to 12.000 words as excessive in the circumstances of the case.

II. SUBMISSIONS

3. The SPO does not oppose a reasonable extension of the deadline for the Defence to file the Rule 130 Motion.⁴

4. At the same time, however, any such extension should not delay the start of the Defence case and, consequently, the duration of the trial. Accordingly, the Defence should file its Rule 130 Motion no later than 21 August 2023, thus allowing enough time for the matter to be fully briefed sufficiently in advance of the start of the Defence case scheduled for 18 September 2023.⁵

5. Considering the scope of the Prosecution case, and the Defence's intention to only address 'certain charges' in the Rule 130 Motion,⁶ a 12.000-word limit is excessive. In this respect, unnecessarily long filings do not facilitate the efficient administration

¹ 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 are to the Rules, unless otherwise specified.

² Defence Notice Pursuant to Rules 119(1) and 130 of the Rules and Request for an Extension of Time and Word Limit, KSC-BC-2020-04/F00571, 6 July 2023, public ('Request'), paras 5, 10.

³ Rule 130 provides 10 days for the Defence's motion and 10 days for the SPO's response. The Defence is not entitled to reply.

⁴ Request, KSC-BC-2020-04/F00571, para.6.

⁵ Transcript (Procedural Matters), 16 June 2023, p.2021.

⁶ Request, KSC-BC-2020-04/F00571, para.1. The submissions in paragraph 7 of the Request are overly general and fail to substantiate the need for a limit of 12.000 words.

of justice.⁷ Indeed, an unnecessarily long filing may impair the SPO's ability to timely respond and ultimately, impact on the Panel's ability to expeditiously rule on the Rule 130 Motion. Under the circumstances, a word limit of no more 9.000 words would be appropriate. In the event a word extension is granted the Defence, the SPO requests a similar extension for its response.

IV. RELIEF REQUESTED

6. For the foregoing reasons, the SPO requests the Panel:
 - a. to order the Defence to file the Rule 130 Motion no later than **Monday, 21 August 2023**;
 - b. to impose a word limit, should it find it necessary to grant an extension, of no more than **9.000 words**; and
 - c. if a word extension is granted the Defence for the Rule 130 Motion, to grant the SPO a corresponding extension.

Word count: 528



Alex Whiting

Acting Specialist Prosecutor

Friday, 7 July 2023

At The Hague, the Netherlands.

⁷ See, similarly, ICTY, *Prosecutor v. Karadžić*, MICT-13-55-A, Decision on a Motion for an Extension of a Word Limit, 8 September 2016, p.2 (also noting that the quality and effectiveness of a brief do not depend on its length, but on the clarity and cogency of the arguments presented).