



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:** 11 July 2023

**Language:** English

**Classification:** **Public**

---

**Decision on the Defence request for an extension of time and word limit for its  
motion under Rule 130 of the Rules**

---

**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 an extension of time and word limit for its motion under Rule 130 of the Rules.

## I. PROCEDURAL BACKGROUND

1. On 6 July 2023, the Specialist Prosecutor's Office (SPO) closed its case,<sup>1</sup> thereby triggering the time limit for the Defence for Pjetër Shala (Defence) to file any motion to dismiss some or all of the charges under Rule 130 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules) by 17 July 2023.<sup>2</sup>

2. On the same day, the Defence notified the Panel of its intention to file a motion to dismiss certain charges in the Confirmed Indictment<sup>3</sup> (Rule 130 Motion) and requested an extension of the time limit for its filing until 31 August 2023 and an extension of the word limit from 6,000 to 12,000 words (Request).<sup>4</sup>

3. On 7 July 2023, the SPO responded to the Request, submitting that: (i) it does not oppose an extension of the time limit, but that such extension should be granted until 21 August 2023 only, in order to allow sufficient time for the matter to be briefed before the start of the Defence case on 18 September 2023; (ii) it opposes an extension of the word limit to 12,000 words as excessive and submits that 9,000 words would instead be appropriate; and (iii) should an extension of the word limit be granted to the Defence, it requests a similar extension for its response.<sup>5</sup>

---

<sup>1</sup> KSC-BC-2020-04, F00570, Specialist Prosecutor, *Prosecution notice of the closing of its case pursuant to Rule 129*, 6 July 2023, public.

<sup>2</sup> See Rules 9(2) and 130(2) of the Rules.

<sup>3</sup> KSC-BC-2020-04, F00098/A01, Specialist Prosecutor, *Corrected Indictment*, 1 November 2021. A public redacted version was filed on 16 November 2021, [F00107/A01](#).

<sup>4</sup> KSC-BC-2020-04, F00571, Defence, *Defence Notice Pursuant to Rules 119(1) and 130 of the Rules and Request for an Extension of Time and Word Limit*, 6 July 2023, public, paras 1, 2, 10.

<sup>5</sup> KSC-BC-2020-04, F00574, Specialist Prosecutor, *Prosecution response to Defence request for an extension of time and word limits*, 7 July 2023, public.

4. On 10 July 2023, Victims' Counsel indicated that he would not respond to the Request.<sup>6</sup>

## II. APPLICABLE LAW

5. The Panel notes Article 40(2) and (6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, Rules 9(5)(a), 76 and 130(2) of the Rules and Articles 36(1) and 41 of the Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers (Practice Direction on Files and Filings).<sup>7</sup>

## III. DISCUSSION

6. 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 on 17 July 2023, as required by Rule 76 of the Rules and Article 36(1) of the Practice Direction on Files and Filings.

7. Turning first to the request for an extension of the time limit, the Panel finds that the Defence has shown good cause, as required by Rule 9(5)(a) of the Rules, as: (i) it has multiple competing deadlines to meet; (ii) must prepare for the upcoming presentation of its case; and (iii) must absorb certain changes in the composition of its team.<sup>8</sup> That said, the Panel also notes that the Rule 130 Motion must be received in time for the SPO and Victims' Counsel to respond, if they so wish, and for the Panel

---

<sup>6</sup> Email from the Court Management Unit to the Panel, transmitting Victims' Counsel's submission, 10 July 2023, at 12:24.

<sup>7</sup> KSC-BD-15, Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers, 17 May 2019, public.

<sup>8</sup> See Request, para. 6.

to rule on it before the start of the Defence case on 18 September 2023,<sup>9</sup> subject to the decision of the Panel.

8. Accordingly, the Panel considers it appropriate to vary the time limit, pursuant to Rule 9(5)(a) of the Rules, for the Defence to file its Rule 130 Motion by **Thursday, 24 August 2023, at 16h00**. The SPO and Victims' Counsel shall respond, if they so wish, as prescribed by Rule 130(2) of the Rules, by **Monday, 4 September 2023**.

9. Noting that the Defence intends to challenge only "certain" and not all charges in the Confirmed Indictment,<sup>10</sup> and with a view to conducting the trial in an efficient and expeditious manner, the Panel considers that – notwithstanding the above extension of time and its previous directions<sup>11</sup> – the trial shall proceed with the next steps as scheduled, namely: (i) Victims' Counsel's presentation of evidence<sup>12</sup> and Defence preparation conference on 21 to 25 August 2023; and (ii) the opening of the Defence case on 18 September 2023.<sup>13</sup>

10. Turning to the requested extension of word limit, the Panel is mindful of the significance of the Rule 130 Motion, but finds that the requested extension of up to 12,000 words is not justified considering the scope of the case and of the evidence presented by the SPO, and the fact that the Defence intends to challenge only certain and not all of the charges. The Panel also considers that it will be best assisted in its determination by submissions that are structured, focused and to the point.

---

<sup>9</sup> See further para. 9 below.

<sup>10</sup> See Request, paras 1, 4.

<sup>11</sup> KSC-BC-2020-04, F00433, Trial Panel I, *Decision on victims' procedural rights during trial and related matters*, 24 February 2023, public, para. 40.

<sup>12</sup> See KSC-BC-2020-04, F00558, Victims' Counsel, *Victims' Counsel's Submissions pursuant to the Order of 4 May 2023 setting further procedural steps for the presentation of evidence by Victims' Counsel*, 30 June 2023, confidential, paras 2-3, 9-21.

<sup>13</sup> KSC-BC-2020-04, Transcript of Hearing, 16 June 2023, public, p. 2020, lines 11-18; p. 2021, lines 9-16; Transcript of Hearing, 26 June 2023, public, p. 2028, lines 3-7.

11. Accordingly, the Panel grants an extension of the word limit for the Defence's Rule 130 Motion which shall not exceed **9,000 words**. For reasons of fairness, the Panels also authorises an extension of the word limit for the SPO's and Victims' Counsel's responses, if any, which shall not exceed **9,000 words**.

#### IV. DISPOSITION

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

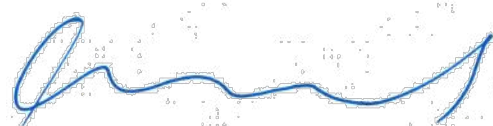
- a. **GRANTS** the Request, in part, as specified in paragraphs 8 and 11 of the present decision;
- b. **ORDERS** the Defence to file its Rule 130 Motion no later than **Thursday, 24 August 2023, at 16h00**;
- c. **ORDERS** the SPO and Victims' Counsel to respond to the Rule 130 Motion, if they so wish, by **Monday, 4 September 2023**; and
- d. **AUTHORISES** an extension of the word limit for the Rule 130 Motion and any responses thereof which shall not exceed **9,000 words**, as specified in paragraph 11 of the present decision.



**Judge Mappie Veldt-Foglia**  
**Presiding Judge**



**Judge Gilbert Bitti**



**Judge Roland Dekkers**

Dated this Tuesday, 11 July 2023

At The Hague, the Netherlands.