

Case No.: KSC-BC-2020-04
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: Dr Fidelma Donlon

Date: 12 July 2023

Filing Party: Specialist Defence Counsel

Original Language: English

Classification: Public

THE SPECIALIST PROSECUTOR

v.

PJETËR SHALA

**Defence Request for an Extension of Time for the Submission of its List of
Witnesses and Exhibits Under Rule 119(2)(a) and (b) of the Rules**

Specialist Prosecutor's Office

Alex Whiting

Counsel for Victims

Simon Laws KC

Maria Radziejowska

Specialist Counsel for the Accused

Jean-Louis Gilissen

Hédi Aouini

Leto Cariolou

I. INTRODUCTION

1. Pursuant to the Rules 9(5)(a) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), the Defence for Mr Pjetër Shala (“Defence” and “Accused”, respectively) hereby files this request for an extension of the time limit to file its list of witnesses and exhibits under Rule 119(2)(a) and (b) of the Rules until 18 August 2023, the fifth working day after the summer recess.

II. PROCEDURAL BACKGROUND

2. On 16 June 2023, the Trial Panel ordered the Defence to file its list of witnesses and exhibits containing the information set out in Rule 119(2)(a) and (b) of the Rules by 17 July 2023.¹
3. On 6 July 2023, the Defence requested an extension of the time limit for the submission of its motion to dismiss certain charges in the Indictment under Rule 130 of the Rules until 31 August 2023 and an extension of the word limit for the motion from 6,000 to 12,000 words.²
4. On 7 July 2023, the Specialist Prosecutor’s Office (“SPO”) responded to the request for extensions.³
5. On 11 July 2023, the Panel granted the Defence request and ordered it to file its Rule 130 motion by 24 August 2023 at 4 pm and an extension of the word limit for the motion to 9,000 words.⁴

¹ T. 16 June 2023 p. 2019.

² KSC-BC-2020-04, F00571, 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, paras. 1, 2, 10. All further references to filings in this Request concern Case No. KSC-BC-2020-04 unless otherwise indicated.

³ F00574, Prosecution response to Defence request for an extension of time and word limits, 7 July 2023.

⁴ F00580, Decision on the Defence request for an extension of time and word limit for the motion under Rule 130 of the Rules, 11 July 2023, paras. 8, 11, 12(b) and (d).

III. SUBMISSIONS

6. The Defence requests the Panel to grant an extension of the time limit for presenting its list of witnesses and exhibits under Rule 119(2)(a) and (b) and the Rules until 18 August 2023.
7. Good cause exists for the extension requested. When the Defence requested an extension of the time limit to file its Rule 130 motion,⁵ the Defence proceeded on the understanding that the deadline to submit its list of witnesses and exhibits would be changed and follow the new scheduling that incorporates the presentation of the Defence Rule 130 motion. In this respect, it is recalled that the Panel had previously noted that, subject to a Rule 130 motion and its outcome, the forthcoming procedural steps and time limits as scheduled could change, including by the possible cancellation of the hearing days between 21 to 25 August.⁶
8. The Defence is simply not in a position to meet the current deadline for the submission of its list of witnesses and exhibits. As previously submitted,⁷ the Defence will conduct investigations during the summer recess and is expected to meet with proposed witnesses. The Defence expects to confirm the availability and willingness of these witnesses to testify for the Defence as well as to finalise the list of exhibits to be relied upon during the presentation of the Defence case.

⁵ F00571, 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.

⁶ T. 16 June 2023 pp. 2019, 2021.

⁷ F00582, Defence Request for an Extension of Time for its Submissions on the Next Review of the Detention and its Response to the Prosecution Motion for Admission of Documentary Evidence Relating to the Accused with Confidential Annex 1, 11 July 2023, para. 8; F00571, 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, para. 6.

9. Moreover, the Defence is currently working towards multiple competing deadlines, including with regard to: (i) its submissions and response to the submissions by Victims' Counsel on the issue of timing and content of any request for reparations;⁸ (ii) its submissions on the twelfth review of detention;⁹ (iii) its response to the "Prosecution motion for admission of documentary evidence relating to the Accused" by 17 July 2023;¹⁰ and (iv) preparing to allow the SPO and Victims' Counsel to inspect and obtain copies of any statements, documents, photographs, and other tangible objects in the Defence custody or control which are intended for use by the Defence as evidence at trial by 19 July 2023.¹¹ The Defence has submitted a request for variation of a number of these deadlines.
10. Furthermore, the Defence must prepare for the hearings scheduled after the summer recess and the upcoming presentation of its case while it is under considerable pressure to complete its investigations.
11. The extension requested will not cause prejudice to the SPO nor will it delay the proceedings.
12. The Accused has a right to be allowed sufficient time and facilities to present his defence case. The current schedule in the manner as it stands substantially

⁸ T. 4 May 2023 p. 1360; F00558, Victims' Counsel's Submissions pursuant to the Order of 4 May 2023 setting further procedural steps for the presentation of evidence by Victims' Counsel with six confidential annexes, 30 June 2023 (confidential).

⁹ F00534, Decision on the Eleventh Review of Detention of Pjetër Shala, 6 June 2023 (confidential), para. 33. A request for an extension of the time limit has been submitted for this submission; *see* F00582, Defence Request for an Extension of Time for its Submissions on the Next Review of the Detention and its Response to the Prosecution Motion for Admission of Documentary Evidence Relating to the Accused with Confidential Annex 1, 11 July 2023, paras. 1, 6, 11.

¹⁰ F00565, Prosecution motion for admission of documentary evidence relating to the Accused, 6 July 2023 (confidential); F00461, Decision on the Submission and Admissibility of Non-Oral Evidence, 17 March 2023, para. 53; Rule 76 of the Rules. A request for an extension of the time limit has been submitted for this response; *see* F00582, Defence Request for an Extension of Time for its Submissions on the Next Review of the Detention and its Response to the Prosecution Motion for Admission of Documentary Evidence Relating to the Accused with Confidential Annex 1, 11 July 2023, paras. 3, 6, 11.

¹¹ T. 16 June 2023 p. 2019.

limits the Accused's ability to do so. The ability of the Defence to meet the various concurrent deadlines must be taken into consideration with regard to scheduling in order to ensure respect for the right of the Accused to defend himself in a proper and effective manner.

IV. CLASSIFICATION

13. Pursuant to Rules 82(3) of the Rules, the Request is filed as public as it does not contain any confidential information.

V. RELIEF REQUESTED

14. The Defence respectfully requests the Panel to grant the requested extension so that it can submit its list of witnesses and exhibits under Rule 119(2)(a) and (b) of the Rules by 18 August 2023.

Word count: 1,175

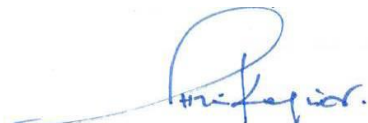
Respectfully submitted,



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Wednesday, 12 July 2023

The Hague, the Netherlands