



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  
Judge Roland Dekkers  
Judge Gilbert Bitti  
Judge Vladimir Mikula, Reserve

**Registrar:** Dr Fidelma Donlon

**Filing Party:** Specialist Prosecutor's Office

**Date:** 14 March 2024

**Language:** English

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**Public Redacted Version of**

**'Prosecution reply to Defence submissions for the sixteenth review of detention'**

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**Specialist Prosecutor's Office**

Kimberly P. West

**Counsel for Pjetër Shala**

Jean-Louis Gilissen

**Counsel for Victims**

Simon Laws

1. The Specialist Prosecutor's Office ('SPO') hereby replies<sup>1</sup> to two issues raised in the Defence Submissions.<sup>2</sup>
2. Contrary to the Defence's claims,<sup>3</sup> no intervening circumstance warranting the Trial Panel ('Panel')'s reconsideration of its findings on the necessity and proportionality of the Accused's detention exists. The Defence keeps repeating arguments<sup>4</sup> that have been considered, and rejected, by the Panel.<sup>5</sup>
3. With regard to the proportionality of detention specifically, the SPO is not privy to the [REDACTED] referenced by the Defence,<sup>6</sup> and cannot, therefore, elaborate further on [REDACTED].<sup>7</sup> Based on the information relayed in the Defence Submissions, [REDACTED]. It in no way impacts the proportionality of the Accused's detention. The issue before the Panel is one of interim detention or release, under Rule 57, not the conditions of detention, which fall under Rule 56(6).<sup>8</sup> However, should the Panel consider the [REDACTED] relevant to the present detention review, the SPO requests the Panel [REDACTED], and to allow the SPO to make further, informed submissions before any decision is reached on this matter.
4. For the reasons set out above and in its prior submissions,<sup>9</sup> the SPO requests the Panel to order the continued detention of the Accused.

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<sup>1</sup> This reply is made pursuant to Rule 76 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers, KSC-BD-04/Rev3/2020, 20 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

<sup>2</sup> Defence Submissions for the Sixteenth Review of Detention of the Accused, KSC-BC-2020-04/F00809, 12 March 2024, confidential ('Defence Submissions').

<sup>3</sup> Defence Submissions, KSC-BC-2020-04/F00809, para.21.

<sup>4</sup> Defence Submissions, KSC-BC-2020-04/F00809, paras 12-13 (on climate of witness intimidation in Kosovo), 14 (on the Accused's good behaviour), 16 (on the unlikelihood that the Accused would risk an additional prosecution), 20 (on measures alternative to detention).

<sup>5</sup> Decision on the Fifteenth Review of Detention of Pjetër Shala, KSC-BC-2020-04/F00776, 19 January 2024, confidential, paras 29-30, 37-38.

<sup>6</sup> Defence Submissions, KSC-BC-2020-04/F00809, para.21.

<sup>7</sup> Defence Submissions, KSC-BC-2020-04/F00809, para.21.

<sup>8</sup> See *similarly Specialist Prosecutor v. Thaci et al*, Decision on Periodic Review of Detention of Jakup Krasniqi, KSC-BC-2020-06/F02059, para.46.

<sup>9</sup> Prosecution submissions for the sixteenth review of detention, KSC-BC-2020-04/F00805, 5 March 2024, confidential.

**Word Count: 381**



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**Kimberly P. West**

**Specialist Prosecutor**

Thursday, 14 March 2024

At The Hague, the Netherlands.