



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-04
Before: Pre-Trial Judge
Judge Nicolas Guillou
Registrar: Dr Fidelma Donlon
Date: 12 June 2020
Language: English
Classification: Public

**Public Redacted Version of
Arrest Warrant for Mr Pjetër Shala**

Specialist Prosecutor
Jack Smith

Defence for Pjetër Shala

To be served on
Mr Pjetër Shala

I, **JUDGE NICOLAS GUILLOU**, Pre-Trial Judge of the Kosovo Specialist Chambers, assigned by the President of the Specialist Chambers pursuant to Article 33(1)(a) of Law No. 05/L-53 on Specialist Chambers and Specialist Prosecutor's Office ("Law");

BEING SEISED of the strictly confidential and *ex parte* "Submission of Indictment for confirmation and related requests", dated 14 February 2020, and the "Submission of revised Indictment for confirmation and related requests", dated 18 March 2020 of the Special Prosecutor's Office ("SPO");

HAVING CONFIRMED in the "Decision on the Confirmation of the Indictment Against Pjetër Shala", dated 12 June 2020, the Revised Indictment ("Confirmed Indictment") and having found therein that there is a well-grounded suspicion that Mr Pjetër Shala ("Mr Shala") committed or participated in the commission of crimes within the jurisdiction of the Specialist Chambers;

PURSUANT TO Articles 35(3), 39(3), 41, 53, 54 and 55 of the Law and Rules 50, 53, 55, 86(6)(b) and 208(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules");

ISSUE AN ARREST WARRANT FOR

PJETËR SHALA, also known as "Ujku" ("Wolf"), born on **17 SEPTEMBER 1963** in **PRIZREN**, Kosovo, currently a [REDACTED] national, **NATIONAL NUMBER** [REDACTED], last known residence [REDACTED].

A. CRIMES AND CONCISE STATEMENT OF FACTS

1. As set out in the Confirmed Indictment, there is a well-grounded suspicion that Mr Shala is criminally responsible for the war crimes of arbitrary detention (Count 1), cruel treatment (Count 2), torture (Count 3) and murder (Count 4) in violation of

Article 14(1)(c) of the Law. In relation to these crimes, there is a well-grounded suspicion that Mr Shala is criminally responsible, pursuant to Article 16(1)(a) of the Law, for:

- (i) physically committing the crimes under Counts 1-3;
- (ii) committing, as a member of a joint criminal enterprise (“JCE”), the crimes under Counts 1-4, and, alternatively for Count 4, committing, as a member of the aforementioned JCE, the crime of murder, by being aware that such a crime might be perpetrated in carrying out the common purpose of the JCE and by willingly taking that risk; and
- (iii) further and alternatively, aiding and abetting the crimes under Counts 1-4.

2. As specified in the Confirmed Indictment, these crimes were committed against persons not taking active part in the hostilities at the Kukës Metal Factory (Kukës, Albania). In particular, between approximately 17 May 1999 and 5 June 1999, at least [REDACTED] persons were arbitrarily deprived of their liberty (Count 1) and several detainees were subjected to cruel treatment and torture (Counts 2-3). Furthermore, on or about 5 June 1999 one (1) detainee was murdered at the same location (Count 4).

3. The crimes under Counts 1-4 were committed in the context of and were associated with an armed conflict in Kosovo, including along the border of Albania, between the Kosovo Liberation Army and forces of the Federal Republic of Yugoslavia (“FRY”) and Republic of Serbia, including units of the Yugoslav Army, police and other units of the Ministry of Internal Affairs.

B. NECESSITY OF THE ARREST

4. Mr Shala’s arrest is necessary in accordance with Article 41(6)(b) of the Law. There are articulable grounds to believe that he: (i) is a flight risk, as he is aware of publicly reported convictions of alleged co-perpetrators, is aware of the charges against him, as contained in the Confirmed Indictment, and the potential penalties, resides in a

jurisdiction in which the Specialist Chambers do not have any direct means to compel his appearance at trial, and has the ability to travel freely to neighbouring countries; (ii) may obstruct proceedings by interfering with witnesses, victims or accomplices; and (iii) considering his past conduct, may commit further crimes.

C. EXECUTION OF ARREST WARRANT

5. If information is available that Mr Shala is present on the territory of a Third State, the Registrar shall transmit the arrest warrant to the competent authorities of that Third State requesting that it be served and executed in the presence of representatives of the SPO, in conformity with Article 55 of the Law. Moreover, the Third State is requested to promptly notify the Registrar of the date, time, location, and any other relevant details regarding Mr Shala's arrest and transfer to the Specialist Chambers, in accordance with Article 55 of the Law. Should any technical or logistical difficulties or impediments arise in the execution of this arrest warrant, the competent authorities of the Third State, are invited to raise such issues with the representatives of the SPO and/or the Registry, as the case may be.

6. If information is available that Mr Shala is present on the territory of Kosovo, the SPO has the authority to execute and serve the arrest warrant, pursuant to Article 35(3) of the Law. It may therefore be considered a "competent authority" under Rule 49(1) of the Rules capable of executing and serving the present arrest warrant. The Pre-Trial Judge recalls that, pursuant to Articles 53(3) and 54(1) of the Law, the Specialist Chambers have primacy over all other courts in Kosovo and that the present arrest warrant has the same force and effect as a warrant of arrest issued by any other Kosovo court. Pursuant to Article 53(1) of the Law, all entities and persons in Kosovo, including governmental officials, shall cooperate with the SPO and the Specialist Chambers and shall comply without delay with any order or decision.

D. TRANSFER AND DETENTION FACILITY

7. Pursuant to Articles 3(8)(a) and (d), and 41(5) and (7) of the Law and Rule 55(4) of the Rules, upon arrest, Mr Shala shall be transferred to the detention facilities in the Netherlands (“Host State”), overseen by the Specialist Chambers and managed by the Registry. The Registrar shall execute the order for transfer and make the necessary arrangements for the prompt transfer of Mr Shala.

E. MR SHALA’S RIGHTS

8. Upon arrest, Mr Shala is entitled to the rights under Articles 21 and 41(4) of the Law, which must be read out to him upon transfer to the custody of the Specialist Chambers, or upon arrest by the SPO, as the case may be.

9. Mr Shala shall be brought without delay before the Pre-Trial Judge pursuant to Article 41(5) of the Law.

10. Mr Shala has the right to challenge, pursuant to Article 41(2) and (5) of the Law, the lawfulness of his arrest, the transfer order and the conditions of detention before the Pre-Trial Judge, and he has the right to appeal before the Specialist Chamber of the Court of Appeal.

F. OTHER REQUESTS AND ORDERS

11. The arrest warrant, currently classified strictly confidential and *ex parte* may be communicated, or its existence be revealed, to the accused, Mr Shala, and competent authorities of any Third States, including the Host State, or Kosovo, as necessary for the execution of the arrest warrant.

12. Considering the classification of the present arrest warrant, the Pre-Trial Judge requests the competent authorities of any Third State or Kosovo, as the case may be, to refrain from disclosing the existence and contents of this arrest warrant, except to

those persons whose involvement is strictly necessary for its execution and service upon Mr Shala.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Friday, 12 June 2020
At The Hague, the Netherlands.