



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-CA-2024-03

Before: Presiding Judge of a Panel of the Court of Appeals Chamber
Judge Michèle Picard

Registrar: Fidelma Donlon

Date: 4 September 2024

Original language: English

Classification: Public

Order Scheduling a Pre-Appeal Conference

Specialist Prosecutor's Office:
Kimberly P. West

Counsel for Pjetër Shala:
Jean-Louis Gilissen

Counsel for Victims:
Simon Laws

THE PRESIDING JUDGE OF THE PANEL OF THE COURT OF APPEALS CHAMBER of the Kosovo Specialist Chambers (“Presiding Judge” and “Specialist Chambers”, respectively),¹ acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 172 of the Rules of Procedure and Evidence (“Rules”), hereby renders this Order.

1. On 16 March 2021, Mr Pjetër Shala (“Shala” or “Accused”) was arrested in the Kingdom of Belgium² and, on 15 April 2021, he was transferred to the Specialist Chambers’ Detention Facilities in The Hague, the Netherlands.³
2. On 16 July 2024, the Trial Panel delivered its judgment (“Trial Judgment”), finding the Accused guilty on three counts of the Indictment and not guilty on one count, and sentenced him to a single sentence of 18 years of imprisonment, with credit for the time served.⁴
3. On 24 July 2024, the Appeals Panel granted in part the Accused’s request for an extension of time to file his notice of appeal against the Trial Judgment and ordered him to do so by 2 September 2024.⁵

¹ F00011, Decision Assigning a Court of Appeals Panel, 3 September 2024 (confidential, reclassified as public on 4 September 2024).

² KSC-BC-2020-04, F00013, Notification of Arrest of Pjetër Shala Pursuant to Rule 55(4), 16 March 2021 (strictly confidential and *ex parte*, reclassified as public on 29 April 2021).

³ KSC-BC-2020-04, F00019/RED, Public Redacted Version of ‘Notification of Reception of Pjetër Shala in the Detention Facilities of the Specialist Chambers and Conditional Assignment of Counsel’, filing F00019 dated 15 April 2021, 26 April 2021 (strictly confidential and *ex parte* version filed on 15 April 2021, reclassified as confidential on 29 April 2021).

⁴ KSC-BC-2020-04, F00107/A01, Public Redacted Version of Corrected Indictment, 16 November 2021; KSC-BC-2020-04, F00098/A01, Corrected Indictment, 1 November 2021 (confidential) (“Indictment”); KSC-BC-2020-04, F00847, Trial Judgment and Sentence, 16 July 2024 (confidential) (“Trial Judgment”), paras 1121-1125. The Trial Panel convicted Shala of arbitrary detention, torture and murder as war crimes, under Counts 1, 3 and 4 of the Indictment, and acquitted him of cruel treatment as a war crime under Count 2 of the Indictment. See Trial Judgment, para. 1124. See also KSC-BC-2020-04, F00843, Scheduling order for the pronouncement of the judgment, 9 July 2024.

⁵ F00001, Application for Variation of the Time Limit for Filing the Defence Notice of Appeal, 19 July 2024; F00006, Decision on Defence Motion for Variation of Time Limit to File Notice of Appeal, 24 July 2024 (“Decision on Variation of Time”). On 8 August 2024, the Appeals Panel denied an

4. On 2 August 2024, pursuant to the Appeals Panel's instructions, the Registry reported on the progress made on the translation of the Trial Judgment into Albanian and indicated that an unrevised translation was expected by 6 September 2024 and the official translation by the end of October 2024.⁶

5. On 2 September 2024, the Accused filed his notice of appeal against the Trial Judgment ("Notice of Appeal").⁷

6. Rule 178 of the Rules provides that:

Within twenty-one (21) days of a notice of appeal, and when deemed necessary thereafter, the Presiding Judge, or the Judge Rapporteur, if designated, shall convene a conference to allow any person in custody pending appeal the opportunity to raise issues in relation thereto, including the person's mental and physical condition.

7. Accordingly, the Presiding Judge hereby schedules a Pre-Appeal Conference to be held on **Friday, 20 September 2024 at 10:00**.

8. During the hearing, the Presiding Judge will invite submissions from the Parties, Counsel for Victims and/or the Registry, as the case may be, on:

- (i) The Accused's detention pending appeal, including his mental and physical condition, in accordance with Rule 178 of the Rules;
- (ii) Any further update on the progress made on the translation of the Trial Judgment into Albanian, and its expected finalisation; and
- (iii) Any other issue that the Presiding Judge may wish to raise.

additional request from Shala to further vary the time limit to file his notice of appeal, and confirmed that the Parties had to file their notices of appeal, if any, by 2 September 2024. See F00009, Decision on Defence Further Request for Variation of Time Limit to File Notice of Appeal, 8 August 2024, para. 8. See also F00008, Defence Request for a Further Limited Extension of the Time Limit for Filing the Notice of Appeal, 7 August 2024.

⁶ F00007, Registrar's Update on Translation of Judgment, 2 August 2024, para. 1. See also Decision on Variation of Time, paras 7, 13.

⁷ F00010, Defence Notice of Appeal, 2 September 2024 (confidential) ("Notice of Appeal").

9. The Presiding Judge instructs the Parties and Counsel for Victims to inform her and the other Parties and Counsel for Victims via email, by **Monday, 16 September 2024 at 12:00**, of any other issues that they would like to raise during the Pre-Appeal Conference.

10. In accordance with Rules 96(2) and 173(3) of the Rules, the Presiding Judge instructs the Defence to indicate via email to the Court Management Unit, by **Monday, 16 September 2024 at 12:00**, whether the Accused wishes to participate in the Pre-Appeal Conference, and/or whether the Accused and/or Counsel wish to appear via video-conference. If the Accused does not wish to participate in the Pre-Appeal Conference, the Defence should submit the pertinent waivers, in the same manner and by the same date and time.

11. Accordingly, the Presiding Judge of the Court of Appeals Panel:

SCHEDULES a Pre-Appeal Conference for **Friday, 20 September 2024 at 10:00**;

INSTRUCTS the Defence to indicate, by **Monday, 16 September 2024 at 12:00**, and in the manner set out above at paragraph 10, whether the Accused wishes to participate in the Pre-Appeal Conference and, if necessary, submit the pertinent waivers; and

INSTRUCTS the Parties and Counsel for Victims to notify the Presiding Judge and the other Parties and Counsel for Victims via email, by **Monday, 16 September 2024 at 12:00**, of any other issues that they would like to raise during the Pre-Appeal Conference.



**Judge Michèle Picard,
Presiding Judge**

Dated this Wednesday, 4 September 2024

At The Hague, the Netherlands