

**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:** Dr Fidelma Donlon

**Filing Participant:** Victims' Counsel

**Date:** 25 October 2024

**Language:** English

**Classification:** Public

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**Public Redacted Version of Victims' Counsel's Request on behalf of V03/04  
with two strictly confidential and *ex parte* annexes**

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**Specialist Prosecutor**  
Kimberly P. West

**Counsel for the Accused**  
Jean-Louis Gilissen

**Counsel for Victims**  
Simon Laws

**Registry**  
Head of Victims' Participation Office

## I. INTRODUCTION

1. Pursuant to Article 23 of the Law on Specialist Chambers and Specialist Prosecutor's Office (Law No. 05/L-053) ("Law"), Rule 114(4)(a), Rule 81(1)(a), Rule 81(a) and (b), Rule 82,<sup>1</sup> of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), the Third Decision on Victims' Participation,<sup>2</sup> and the Trial Panel's prior decision,<sup>3</sup> Victims' Counsel requests, on behalf of Victim 03/04, a partial variation of the protective measures granted to [REDACTED] as a victim participating in the proceedings, and as a witness, in the case against Pjetër Shala before the Kosovo Specialist Chambers ("Case KSC-BC-2020-04" or "*Shala* case"), in order to enable V03/04 to disclose [REDACTED].
2. [REDACTED].

## II. CLASSIFICATION OF FILING

3. Pursuant to Rule 82(3) of the Rules, this Request is classified as strictly confidential and *ex parte* as it concerns personal details and circumstances of dual status Victim 03/04 that should not be disclosed to the Defence in order to protect [REDACTED] privacy. Moreover, V03/04 has been granted anonymity towards the public both as a victim and a witness.<sup>4</sup>
4. A public redacted version is filed simultaneously.

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<sup>1</sup> Although the Trial Judgment has been delivered, Trial Panel I is still seized of the case. It continues to deliberate on the Reparation Order and is issuing orders in respect of protective measures.

<sup>2</sup> *Prosecutor v. Pjetër Shala*, KSC-BC-2020-04/F00279, Third Decision on Victims' Participation, 19 September 2022.

<sup>3</sup> F00389, Strictly Confidential and *Ex Parte*, Decision on Victims' Counsel's request for variation of protective measures in order to authorise the disclosure of material to medical experts, 17 January 2023 ("*Trial Panel I's Decision*" or "*Decision*"), paras 5, 6.

<sup>4</sup> F00279, Third Decision on Victims' Participation, para. 37; F00433, Decision on victims' procedural rights during trial and related matters, 24 February 2023, paras 56, 57.

### III. PROCEDURAL HISTORY

5. On 19 September 2022, the Pre-Trial Judge admitted V03/04 as a participating victim in the *Shala* case and granted [REDACTED] protective measures.<sup>5</sup>
6. On 24 February 2023, the Trial Panel varied the protective measures for dual status VPPs while maintaining their anonymity towards the public as both SPO witnesses and VPPs.<sup>6</sup>
7. V03/04 testified as [REDACTED] on [REDACTED].

### IV. SUBMISSIONS

8. V03/04 is an indirect victim of crimes committed in Kukës, Albania in May 1999.<sup>7</sup>
9. Victims' Counsel has been informed that [REDACTED].
10. As both a VPP and a witness, V03/04 has been granted protective measures in the form of, *inter alia*, anonymity vis-à-vis the public.<sup>8</sup>
11. V03/04 understands that providing information about [REDACTED] participation as a victim and as a witness in the *Shala* case to [REDACTED], and [REDACTED] wishes to disclose [REDACTED] participation to them for this purpose. V03/04 has signed a declaration to this effect which is attached in strictly confidential and *ex parte* Annex 1.
12. For these reasons, Victims' Counsel requests a partial variation of the protective measures granted to V03/04 as a VPP, and as a witness, in the *Shala* case. This request is limited in scope only to allow V03/04 to disclose [REDACTED] status in these proceedings to [REDACTED].

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<sup>5</sup> F00279, Third Decision on Victims' Participation, para. 37.

<sup>6</sup> F00433, Decision on victims' procedural rights during trial and related matters, 24 February 2023, paras 56, 57.

<sup>7</sup> Third Decision on Victims' Participation, para. 16(b) and fn 36.

<sup>8</sup> F00279, Third Decision on Victims' Participation, para. 37; F00433, Decision on victims' procedural rights during trial and related matters, 24 February 2023, paras 56, 57.

13. As V03/04 is also a prosecution witness, the SPO have been notified of this Request and have indicated that they have no objection to the proposed variation of protective measures.<sup>9</sup>
14. A proposed draft letter with the information that V03/04 intends to provide to [REDACTED] is attached in strictly confidential and *ex parte* Annex 2.
15. Finally, Victims' Counsel emphasises that V03/04 does not wish to disclose [REDACTED] identity and [REDACTED] status in the *Shala* case except as set out above.

## V. RELIEF SOUGHT

16. Victims' Counsel requests the Trial Panel to vary the protective measures granted to V03/04 [REDACTED] permitting [REDACTED] to reveal [REDACTED] status as a victim participating in the proceedings and as a witness in the *Shala* case to [REDACTED].

**Word count: 791**



**Simon Laws KC**  
**Counsel for Victims**



**Maria Radziejowska**  
**Co-Counsel for Victims**

25 October 2024  
At The Hague, the Netherlands.

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<sup>9</sup> Email from the SPO to Victims Counsel, 18 October 2024.