

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 Rapporteur
Judge Vladimir Mikula, Reserve Judge

Registrar: Fidelma Donlon

Date: 15 November 2024

Filing Party: Counsel for Pjetër Shala

Original language: English

Classification: Public

**Defence Request for Mr Shala to be Excused from
or Postpone the Pronouncement of the Reparation Order**

Specialist Prosecutor's Office

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Counsel for Victims

Simon Laws

Maria Radziejowska

Specialist Defence Counsel

Jean-Louis Gilissen

Hédi Aouini

Leto Cariolou

I. INTRODUCTION

1. Pursuant to Trial Panel I's Order and Rules 159(2) and 164(2) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"),¹ the Defence for Mr Pjetër Shala ("Defence") requests the Trial Panel to excuse Mr Shala from attending, or, in the alternative, postpone the date of the pronouncement of the Reparation Order which is currently scheduled on Friday, 29 November 2024, at 11:00.²

II. PROCEDURAL HISTORY

2. On 16 July 2024, the Panel issued the Trial Judgment, finding Mr Shala guilty of the war crimes of arbitrary detention, torture, and murder, and sentenced him to 18 years of imprisonment.³ In the Trial Judgment, the Panel indicated that it would subsequently issue a Reparation Order, and retained, to that effect, jurisdiction in this case.⁴
3. On 8 November 2024, the Panel scheduled the delivery of the Reparation Order on 29 November 2024, at 11:00, in a public session and ordered Mr Shala to be physically present in the courtroom during the hearing.⁵
4. On the same date, the Defence informed the Panel that Mr Shala has a confirmed visit with six persons travelling from abroad to meet with him which is scheduled to take place at the KSC Detention Facilities on 29 November 2024.⁶ The Defence requested the Panel to either allow Mr Shala to waive his right to

¹ Email from the Court Management Unit of the Registry to the Defence, 14 November 2024, 15:00.

² KSC-BC-2020-04, F00861, Scheduling order for the pronouncement of the Reparation Order, 8 November 2024 ("Scheduling Order"), paras. 7, 8(a).

³ KSC-BC-2020-04, F00847, Trial Judgment and Sentence, 16 July 2024 (confidential) ("Trial Judgment"), paras. 1121-1125.

⁴ Trial Judgment, paras 1042, 1127. *See also* Scheduling Order, paras 1, 7.

⁵ Scheduling Order, paras. 7, 8(a).

⁶ Email from the Defence to the Court Management Unit of the Registry, 8 November 2024, 17:35.

attend the hearing and be represented by counsel, or, in the alternative, reschedule the pronouncement of the reparation order at the Panel's earliest availability so that Mr Shala can attend in person.⁷

5. On 14 November 2024, the Panel instructed the Defence to present the above request in a formal filing on the record.⁸

III. SUBMISSIONS

6. The Defence requests the Panel to allow Mr Shala to waive his right to attend the hearing and be represented by counsel, or in the alternative, reschedule the the pronouncement of the Reparation Order.
7. Mr Shala has a confirmed and pre-scheduled visit with six individuals travelling from abroad to meet with him at the KSC Detention Facilities on 29 November 2024. Three visitors will visit Mr Shala in the morning of the 29th of November and three will meet with him in the afternoon. The planned visit required much coordination and logistical organisation between different parties and regrettably it is very difficult if not impossible to reschedule.
8. For the past several months, due to the new regime on personal visits implemented at the Detention Facilities,⁹ Mr Shala has only received one block of personal visits. The planned visit which will take place on 29 November 2024 is the only personal visit Mr Shala has planned for the foreseeable future, and constitutes one of the rare opportunities that Mr Shala can have contact with the outside world, and discuss and receive support, including psychological,

⁷ Email from the Defence to the Court Management Unit of the Registry, 8 November 2024, 17:35.

⁸ Email from the Court Management Unit of the Registry to the Defence, 14 November 2024, 15:00.

⁹ See KSC-D-2024-01, F00002, Decision on the Defence Request for Judicial Review of Registrar's Decision on Family Visits and Video Communications, 7 May 2024, paras. 1, 57.

moral, and financial support. The meeting is thus very important for Mr Shala's well-being, and its cancellation would add further distress for him.

9. Mr Shala fully commits on attending the pronouncement of the Reparation Order in person should the hearing be rescheduled as per his request at an alternative date.

IV. CLASSIFICATION

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

V. RELIEF REQUESTED

11. The Defence respectfully requests the Panel to excuse Mr Shala from attending, or, in the alternative, postpone the date of the pronouncement of the Reparation Order.

Word count: 710

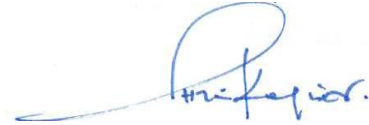
Respectfully submitted,



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Friday, 15 November 2024

The Hague, the Netherlands