



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** **KSC-CA-2024-03**

**Before:** **A Panel of the Court of Appeals Chamber**  
Judge Michèle Picard  
Judge Kai Ambos  
Judge Nina Jørgensen

**Registrar:** Fidelma Donlon

**Date:** 14 January 2025

**Original language:** English

**Classification:** **Public**

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**Decision on Specialist Prosecutor's Office Request for Extension of Word Limit  
for Response Brief**

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**Specialist Prosecutor's Office:**  
Kimberly P. West

**Counsel for Pjetër Shala:**  
Jean-Louis Gilissen

**Counsel for Victims:**  
Simon Laws

**THE PANEL OF THE COURT OF APPEALS CHAMBER** of the Kosovo Specialist Chambers (“Court of Appeals Panel”, “Appeals Panel” or “Panel” and “Specialist Chambers”, respectively),<sup>1</sup> 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”), is seised of a motion filed on 13 January 2025 by the Specialist Prosecutor’s Office (respectively, “Motion” and “SPO”).<sup>2</sup>

1. The SPO requests an extension of 2,000 words, for a total of 32,000 words, for its brief in response to Shala’s appeal brief against the Trial Judgment issued in case KSC-BC-2020-04.<sup>3</sup> The SPO submits that the Motion is timely, being made on the first working day following the judicial recess and in advance of the deadline, and that it is based on good cause.<sup>4</sup> The SPO points out that the Defence was granted an extension of 2,000 words for its appeal brief “to make their points fully and to ensure clarity and cogency”.<sup>5</sup>

2. The Panel notes that Article 49(3) of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers (“Practice Direction”)<sup>6</sup> states that a brief in response shall not exceed 30,000 words. In addition, Article 36(1) of the Practice Direction states that participants in the proceedings may seek, sufficiently in advance, an extension of the word limit upon showing that good cause exists constituting exceptional circumstances.

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

<sup>2</sup> F00036, Prosecution request for extension of word limit for response brief, 13 January 2025 (“Motion”).

<sup>3</sup> Motion, paras 1, 3. See KSC-BC-2020-04, F00847/RED, Public redacted version of Trial Judgment and Sentence, 24 September 2024 (confidential version filed on 16 July 2024) (“Trial Judgment”).

<sup>4</sup> Motion, para. 1.

<sup>5</sup> Motion, para. 2, referring to F00021, Decision on Defence Motion for Variation of Time and Word Limits to File Appeal Brief, 30 October 2024 (“Decision on Variation of Appeal Brief Time and Word Limits”), para. 15.

<sup>6</sup> KSC-BD-15, Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, 17 May 2019.

3. Regarding the timeliness of the Motion, the Panel notes that the deadline for the filing of the SPO's brief in response is 17 January 2025,<sup>7</sup> just four days after the filing of the Motion. While the SPO claims that the Motion is timely as it was made on the first working day following the judicial recess,<sup>8</sup> the Panel recalls that the judicial deadlines before the Appeals Panel were not suspended during the winter recess.<sup>9</sup> The Panel finds that the SPO had ample opportunity to file such a request at an earlier stage, for example when it sought an extension of the deadline to file its brief in response.<sup>10</sup> The Panel therefore considers that the Motion has not been filed sufficiently in advance for the purpose of Article 36(1) of the Practice Direction and urges the SPO to anticipate further in advance any similar future requests.

4. Nevertheless, the Panel will consider whether the SPO demonstrated good cause constituting exceptional circumstances for the requested extension. While the Panel recalls that the quality and effectiveness of appellate submissions do not depend on their length but on the clarity and cogency of the presented arguments, it is also in the interests of justice to ensure that the Parties and Participants can file meaningful submissions in response to the Accused's appeal brief.<sup>11</sup> Therefore, and in light of the fact that the Defence was already granted an equivalent extension of the word limit to file its appeal brief,<sup>12</sup> the Panel finds that good cause exists constituting exceptional circumstances and finds the SPO's request of an additional 2,000 words to be reasonable and warranted in the present circumstances.

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<sup>7</sup> The Panel recalls that the SPO was granted an extension of 21 days to file its brief in response. See F00025, Decision on Specialist Prosecutor's and Victims' Counsel's Requests for Extension of Time to File Briefs in Response, 13 November 2024 ("Decision on Variation of Response Briefs Time Limit"), paras 10-11. The initial deadline for the SPO to file its response brief was 27 December 2024.

<sup>8</sup> Motion, para. 1.

<sup>9</sup> Decision on Variation of Response Briefs Time Limit, para. 7.

<sup>10</sup> See F00022, Prosecution request for extension of time to file its Response Brief, 6 November 2024.

<sup>11</sup> See e.g. KSC-BC-2020-06, IA013/F00009, Decision on Thaçi's Request for Variation of Word Limit, 10 December 2021, para. 6. See also Decision on Variation of Appeal Brief Time and Word Limits, para. 14.

<sup>12</sup> See Decision on Variation of Appeal Brief Time and Word Limits, paras 15-16.

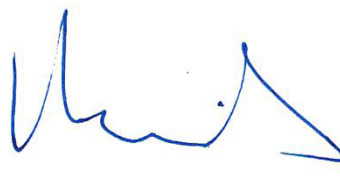
5. Moreover, the Panel considers that it is in the interests of justice to grant a comparable extension of the word limit for the brief in response of Victims' Counsel. The Appeals Panel therefore varies the word limits for the SPO's and Victims' Counsel briefs in response to 32,000 words.

6. Finally, the Panel recalls that, pursuant to Article 36(2) of the Practice Direction, motions for the variation of word limits may be disposed of without giving the Parties the opportunity to be heard. In light of the imminence of the upcoming deadline for the filing of the SPO's and Victims' Counsel's briefs in response and given that no prejudice will be caused to the Accused, the Panel considers that it is in the interests of justice to dispose of the Motion immediately.

7. For these reasons, the Court of Appeals Panel:

**GRANTS** the Motion; and

**AUTHORISES** the SPO and Victims' Counsel to file briefs in response of no more than 32,000 words by 17 January 2025.



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**Judge Michèle Picard,  
Presiding Judge**

Dated this Tuesday, 14 January 2025

At The Hague, the Netherlands