

**In:** KSC-CA-2024-03  
**The Specialist Prosecutor v. Pjetër Shala**

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

**Registrar:** Fidelma Donlon

**Date:** 10 January 2025

**Filing Party:** Counsel for Mr Pjetër Shala

**Original language:** English

**Classification:** Public

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**Public Redacted Version of Defence Request for an Extension of Time to file its  
Notice of Appeal Against the Reparation Order**

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**Specialist Prosecutor's Office**

Kimberly P. West

**Counsel for Victims**

Simon Laws KC

Maria Radziejowska

**Specialist Counsel for the Accused**

Jean-Louis Gilissen

Hédi Aouini

Leto Cariolou

## I. INTRODUCTION

1. Pursuant to Article 6 of the European Convention on Human Rights (“ECHR”), Article 30 of the Constitution of the Republic of Kosovo (“Kosovo Constitution”) and Rules 76 and 176(2) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), the Defence for Mr Pjetër Shala (“Defence”) requests an extension of the time limit for filing its Notice of Appeal against the Reparation Order.

## II. PROCEDURAL HISTORY

2. On 16 July 2024, Trial Panel I of the Kosovo Specialist Chambers issued the Trial and Sentencing Judgment in this case.<sup>1</sup> The Trial Panel found Mr Shala guilty of three counts of war crimes pursuant to Articles 14(1)(c) and 16(1)(a) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“KSC Law”) and sentenced him to eighteen years of imprisonment.<sup>2</sup> In the Trial Judgment, the Panel indicated that it would subsequently issue a Reparation Order, and retained, to that effect, jurisdiction in this case.<sup>3</sup>
3. On 29 November 2024, the Trial Panel issued the Reparation Order against Mr Shala and set the reparations award for which Mr Shala is liable at €208,000.<sup>4</sup>
4. On the same day, the Court of Appeals Panel informed the Parties and Participants that it considers that any appeal filed against the Reparation Order should be treated as an appeal against sentence pursuant to Article 44 of the KSC Law, Rules 176 and 179 of the Rules and Articles 47 to 50 of the Practice

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<sup>1</sup> KSC-BC-2020-04, F00847, Trial Judgment and Sentence with one confidential annex, 16 July 2024 (confidential) (“Trial Judgment”). All further references to filings in this Request concern Case No. KSC-BC-2020-04 unless otherwise indicated.

<sup>2</sup> Trial Judgment, paras. 1124, 1125.

<sup>3</sup> Trial Judgment, paras 1042, 1127. *See also* KSC-BC-2024-04, F00861, Scheduling order for the pronouncement of the Reparation Order, 8 November 2024 (public), paras 1, 7.

<sup>4</sup> F00866, Reparation Order against Pjetër Shala, 29 November 2024 (confidential).

Direction on Files and Filings before the Kosovo Specialist Chambers. Pursuant to Rule 9(5)(a) of the Rules, and in light of the judicial recess, the Court of Appeals Panel set the deadline for filing any notice of appeal against the Reparation Order to 17 January 2025.<sup>5</sup>

### III. SUBMISSIONS

5. The Defence requests the Appeals Panel to grant a limited extension of the time limit for submitting its Notice of Appeal against the Reparation Order of seven working days so that the notice be filed by 28 January 2025.
6. Good cause exists to grant the requested extension. On the same date that the reparation award was issued, the Defence was notified of an unexpected and significant reduction of the legal aid it receives from [REDACTED], which was communicated to the Defence on 29 November 2024 and was put into immediate effect. [REDACTED]. [REDACTED]. The effect of this decision was the immediate and drastic reduction of the Defence team's operating capacity as lead counsel had to give immediate notice of termination of the provision of services to half of the Defence team.
7. Despite the considerable efforts made by all members of the Defence team to remain operational and recalibrate during recess, in light of the fact that half the team members have left or are about to leave the team and the Netherlands and relocate back to their home countries, and due to additional unexpected departures of team members in the month of January, the operating capacity of the team has been severely undermined. This was aggravated by the number of competing obligations that are on-going including reviewing newly

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<sup>5</sup> Email from the Court Management Unit of the Registry to the Parties and Participants, 29 November 2024 at 12:12.

disclosed material and preparation of a request to present additional evidence on appeal.

8. Mr Shala has the right to have adequate time to prepare his defence case, which is guaranteed by Article 6(3)(b) of the ECHR, which applies in appellate proceedings,<sup>6</sup> Article 30(3) of the Kosovo Constitution, as well as Article 21(4)(c) of the KSC Law. The nature of the appeal against the reparation award is complex, particularly given that it involves novel issues which have not been presented before a Kosovo Specialist Chambers Panel. It is the Defence respectful submission that in the present circumstances the interests of justice require the Panel to grant the limited request for extension of time.
9. The Defence request will maintain procedural fairness in the proceedings, it will only cause minimal delay to the proceedings and will not prejudice in any manner the Prosecution or Victims' Counsel.

#### IV. CLASSIFICATION

10. Pursuant to Rules 82(3) of the Rules, the Request is filed as confidential as it contains confidential information. A public redacted version will be filed in due course.

#### V. RELIEF REQUESTED

11. For these reasons, the Defence respectfully requests the Appeals Panel to grant an extension of time and allow it to file its Notice of Appeal by 28 January 2025.

**Word count: 874**

Respectfully submitted,

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<sup>6</sup> ECtHR, *Meftah and Others v. France* [GC], nos. 32911/96, 35237/97 and 34595/97, 26 July 2002, para. 40.

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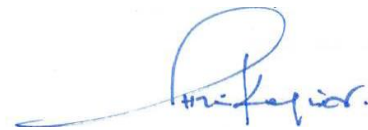
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**Jean-Louis Gilissen**  
**Specialist Defence Counsel**

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**Hédi Aouini**  
**Defence Co-Counsel**

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**Leto Cariolou**  
**Defence Co-Counsel**

Friday, 10 January 2025

The Hague, the Netherlands