



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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**

**Public Redacted Version of Decision on Defence Request for Extension of Time to
File its Notice of Appeal Against the Reparation Order**

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),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”), is seised of a motion filed on 10 January 2025 by Mr Pjetër Shala (respectively, “Motion” and “Shala” or “Accused” or “Defence”).²

1. The Accused requests an extension of the time limit for filing his notice of appeal against the Reparation Order issued in case KSC-BC-2020-04 until 28 January 2025.³ Shala submits that the extension sought will only cause minimal delay to the proceedings and will not prejudice in any manner the Specialist Prosecutor’s Office or Victims’ Counsel.⁴ He argues that there is good cause for the limited extension requested as: (i) due to an unexpected and significant reduction of the legal aid provided by [REDACTED], which [REDACTED], lead counsel had to give immediate notice of termination to half of the Defence team; (ii) due to additional unexpected departures of team members in January, the operating capacity of the team has been severely undermined; (iii) the Defence faces ongoing competing obligations including reviewing newly disclosed material and preparing a request to present additional evidence on appeal; and (iv) the nature of the appeal against the Reparation Order is complex and involves novel issues not previously presented before a panel of the Specialist Chambers.⁵

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

² F00035, Defence Request for an Extension of Time to file its Notice of Appeal Against the Reparation Order, 10 January 2025 (confidential) (“Motion”). The Motion was only distributed on 13 January 2025. Victims’ Counsel indicated that he does not intend to file a response.

³ Motion, paras 1, 5, 11. See KSC-BC-2020-04, F00866, Reparation Order against Pjetër Shala, 29 November 2024 (confidential) (“Reparation Order”). See also KSC-BC-2020-04, F00847, Trial Judgment and Sentence, 16 July 2024 (confidential), paras 1042, 1127.

⁴ Motion, para. 9.

⁵ Motion, paras 6-8. Shala adds that he was notified of the reduction of the legal aid scheme on 29 November 2024. See Motion, para. 6.

2. The Appeals Panel recalls that, pursuant to Rule 176(2) of the Rules, a Party seeking to appeal a sentencing judgment shall file a notice of appeal setting forth the grounds of appeal within 30 days of the written sentencing judgment. The Appeals Panel further recalls that it informed the Parties and Participants that any appeal filed against the Reparation Order should be treated as an appeal against sentence pursuant to Article 44 of the Law, Rules 176 and 179 of the Rules and Articles 47 to 50 of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers.⁶ Moreover, the Panel may, *proprio motu* or upon a showing of good cause, extend or reduce any time limit prescribed by the Rules or set by the Panel.⁷

3. The Panel also recalls that, on 29 November 2024, pursuant to Rule 9(5) of the Rules, it already varied *proprio motu* the time limit for filing any notice of appeal against the Reparation Order to 17 January 2025 in light of, *inter alia*, limited staff availability during the judicial recess.⁸

4. Regarding the timeliness of the Motion, the Panel notes that the deadline for the filing of Shala's notice of appeal would normally be 17 January 2025, just one week after the filing of the Motion and four days after it was distributed. The Panel notes further that Shala submits that he was already informed as of 29 November 2024 of the reduction of the legal aid the Defence receives from [REDACTED].⁹ The Panel finds that, while the Motion is only based in part on this reason, if this is the case, Shala should have filed the Motion immediately after receiving this information. The Panel therefore considers that the Motion is not timely in this regard and urges the Defence to anticipate further in advance any similar future requests.

⁶ CRSPD11, Potential appeal(s) of the Reparation Order against Pjetër Shala, 29 November 2024 (confidential) ("Order on Briefing Schedule For Appeals Against Reparation Order"). See also Motion, para. 4.

⁷ Rule 9(5)(a) of the Rules.

⁸ Order on Briefing Schedule For Appeals Against Reparation Order. See also Motion, para. 4.

⁹ See Motion, para. 6.

5. Nevertheless, the Panel will consider whether Shala demonstrates good cause for his request for a variation of the time limit to file his notice of appeal.

6. The Appeals Panel notes the significance of the issues addressed in the Reparation Order, as well as their novelty before the Panel.¹⁰ The Panel acknowledges that any appeal proceedings in this case would be the first before the Specialist Chambers against a reparation order and may, therefore, set important precedents. These factors have previously been acknowledged as constituting good cause for varying the time limits of appellate filings, justifying a departure from the time limits specified in the Rules.¹¹ The Panel therefore finds that good cause exists for granting the requested variation of the time limit for Shala to file his notice of appeal against the Reparation Order.¹²

7. Finally, the Panel also finds that it is in the interests of justice to grant the same variation of the time limit to Victims' Counsel, if he wishes to file a notice of appeal, considering that doing so will not unreasonably impact the overall expeditiousness of the proceedings in this case and that it is in the interests of effective case management to maintain a synchronised briefing schedule on appeal.

¹⁰ See Motion, para. 8.

¹¹ See e.g. KSC-BC-2020-06, IA012/F00004, Decision on Thaçi's and Krasniqi's Requests for Variation of Time and Word Limits, 27 October 2021, para. 7; KSC-BC-2020-04, IA002/F00002, Decision on Shala's Request for Variation of Time Limit, 28 October 2021, para. 3.

¹² In light of this finding, the Appeals Panel does not find it necessary to address the remaining arguments raised by Shala. See Motion, paras 6-7.

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

GRANTS the Motion; and

AUTHORISES the Defence and Victims' Counsel to file their notices of appeal, if any, by 28 January 2025.



**Judge Michèle Picard,
Presiding Judge**

Dated this Tuesday, 14 January 2025

At The Hague, the Netherlands