

**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:** 11 February 2025

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

**Original language:** English

**Classification:** Public

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**Defence Request for an Extension of Time to file its Appeal Brief against the  
Reparation Order**

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**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 Rules 9(5)(a), 76 and 179(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), the Defence for Mr Pjetër Shala (“Defence”) requests a two-week extension of the time limit prescribed by the Panel of the Court of Appeals Chamber (“Appeals Panel”) for filing its Appeal Brief against the Reparation Order.<sup>1</sup>

## 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>2</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>3</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>4</sup>
3. On 29 November 2024, the Trial Panel issued the Reparation Order against Mr Shala and set the reparations award at €208,000.<sup>5</sup>
4. On the same date, the Appeals Panel informed the Parties and Participants that any appeal filed against the Reparation Order will 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 Direction on Files and Filings

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<sup>1</sup> KSC-CA-2024-03, CRSPD11, Potential appeal(s) of the Reparation Order against Pjetër Shala, 29 November 2024 (confidential).

<sup>2</sup> KSC-BC-2020-04, F00847, Trial Judgment and Sentence with one confidential annex, 16 July 2024 (confidential) (“Trial Judgment”).

<sup>3</sup> Trial Judgment, paras. 1124, 1125.

<sup>4</sup> Trial Judgment, paras. 1042, 1127. *See also* KSC-BC-2020-04, F00861, Scheduling order for the pronouncement of the Reparation Order, 8 November 2024 (public), paras. 1, 7.

<sup>5</sup> KSC-BC-2020-04, F00866, Reparation Order against Pjetër Shala, 29 November 2024 (confidential).

before the Kosovo Specialist Chambers. The Appeals Panel set the deadline for filing any notice of appeal against the Reparation Order to 17 January 2025. The Appeals Panel also ordered that any appeal brief be filed within 30 days from the date on which the notice of appeal is filed.<sup>6</sup>

5. On 10 January 2025, the Defence requested an extension so as to file its Notice of Appeal against the Reparation Order by 28 January 2025.<sup>7</sup>
6. On 14 January 2025, the Appeals Panel granted the Defence's request and authorised the Defence and Victims' Counsel to file their notices of appeal by 28 January 2025.<sup>8</sup>
7. On 28 January 2025, the Defence filed its Notice of Appeal against the Reparation Order.<sup>9</sup>

### III. SUBMISSIONS

8. The Defence requests the Appeals Panel to grant a two-week extension of the time limit for submitting its Appeal Brief against the Reparation Order so that the Appeal Brief can be filed by 14 March 2025.
9. Good cause exists to grant the requested extension in its entirety. The Defence is facing competing obligations that, given the reduced working capacity of the team,<sup>10</sup> renders it unable to meet the current deadline for the submission of its Appeal Brief. In fact, the primary reason for this request is the team's reduced

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<sup>6</sup> KSC-CA-2024-03, CRSPD11, Potential appeal(s) of the Reparation Order against Pjetër Shala, 29 November 2024 (confidential).

<sup>7</sup> KSC-CA-2024-03, F00035, Defence Request for an Extension of Time to file its Notice of Appeal Against the Reparation Order, 10 January 2025 (confidential).

<sup>8</sup> KSC-CA-2024-03, F00038, Decision on Defence Request for Extension of Time to File its Notice of Appeal Against the Reparation Order, 14 January 2025 (confidential).

<sup>9</sup> KSC-CA-2024-03, F00042, Defence Notice of Appeal of the Reparation Order, 28 January 2025.

<sup>10</sup> KSC-CA-2024-03, F00035, Defence Request for an Extension of Time to file its Notice of Appeal Against the Reparation Order, 10 January 2025 (confidential), para.6.

capacity. In addition, the Defence has been concurrently working on its Appeal Brief and the Defence Reply Brief of the appeal of the Trial Judgment which it filed on 4 February 2025, and currently, is simultaneously working on its Appeal Brief and reply to the Prosecution response to its motion to present additional evidence pursuant to Rule 181, which is due on 21 February 2025, one week before its deadline to file the Appeal Brief.<sup>11</sup>

10. 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>12</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 Appeals Panel to grant the request for extension of time.
11. The Defence request will maintain procedural fairness in the proceedings, it will only cause minimal delay and will not prejudice in any manner the Prosecution or Victims' Counsel.

#### IV. CLASSIFICATION

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

#### V. RELIEF REQUESTED

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<sup>11</sup> KSC-CA-2024-03, F00043, Defence Reply Brief, 4 February 2025 (confidential); KSC-CA-2024-03, F00044, Prosecution Response to Defence Motion to Present Additional Evidence Pursuant to Rule 181, 6 February 2025 (confidential).

<sup>12</sup> ECtHR, *Meftah and Others v. France* [GC], nos. 32911/96, 35237/97 and 34595/97, 26 July 2002, para. 40.

13. For these reasons, the Defence respectfully requests the Appeals Panel to grant an extension of time and allow it to file its Appeal Brief against the Reparation Order by 14 March 2025.

**Word count: 920**

Respectfully submitted,



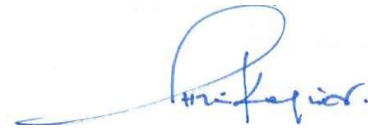
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**Hédi Aouini**  
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Tuesday, 11 February 2025

The Hague, the Netherlands