



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: 12 February 2025

Original language: English

Classification: **Public**

**Decision on Defence Request for Extension of Time to File its Appeal Brief
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 11 February 2025 by Mr Pjetër Shala (respectively, “Motion” and “Shala”, “Accused” or “Defence”).²

1. The Accused requests an extension of the time limit for filing his appeal brief against the Reparation Order issued in case KSC-BC-2020-04 until 14 March 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 (“SPO”) or Victims’ Counsel.⁴ He argues that there is good cause for the limited extension requested as: (i) the Defence team has a reduced working capacity; (ii) the Defence faces ongoing competing obligations, including concurrently working on its appellate submissions against the Trial Judgment and on a reply to the SPO’s response to its motion to present additional evidence on appeal; and (iii) 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

2. The Appeals Panel 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

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

² F00045, Defence Request for an Extension of Time to file its Appeal Brief against the Reparation Order, 11 February 2025 (“Motion”). Victims’ Counsel indicated that he does not intend to file a response.

³ Motion, paras 1, 8, 13. See KSC-BC-2020-04, F00866/RED, Public redacted version of Reparation Order against Pjetër Shala, 23 December 2024 (confidential version filed on 29 November 2024) (“Reparation Order”). See also 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”), paras 1042, 1127.

⁴ Motion, para. 11.

⁵ Motion, paras 9-10.

Articles 47 to 50 of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers.⁶ The Appeals Panel further recalls that where the appeal is limited to sentencing, the Appellant shall file an appeal brief within 30 days of the notice of appeal.⁷ 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.⁸

3. Regarding the timeliness of the Motion, the Panel notes that the deadline for the filing of Shala's appeal brief would normally be 28 February 2025, more than two weeks after the filing of the Motion, and considers that the Motion has been timely filed.⁹

4. The Panel will now consider whether Shala demonstrates good cause for his request for a variation of the time limit to file his appeal brief.

5. The Appeals Panel recalls that it varied, upon Shala's request, the time limit for filing a notice of appeal, in light of the significance of the issues addressed in the Reparation Order, as well as their novelty before the Panel.¹⁰ Shala filed his notice of appeal against the Reparation Order on 28 January 2025, raising five grounds of appeal, consisting of alleged errors of law and fact.¹¹ The Panel recalls that the appeal

⁶ CRSPD11, Potential appeal(s) of the Reparation Order against Pjetër Shala, 29 November 2024 (confidential). See also Motion, para. 4. On 30 January 2025, in light of Shala's requested relief, in the Notice of Appeal, that the Appeals Panel, *inter alia*, suspend the appeal proceedings against the Reparation Order, the Appeals Panel clarified that the time limits set on 29 November 2024 remain the same. See CRSPD15, Email from Court of Appeals Panel to Parties and Participants regarding F00042 time limits, 30 January 2025 (confidential).

⁷ Rule 179(1) of the Rules.

⁸ Rule 9(5)(a) of the Rules.

⁹ The Notice of Appeal was filed on 28 January 2025 and distributed on 29 January 2025. See F00042, Defence Notice of Appeal of the Reparation Order, 28 January 2025 ("Notice of Appeal").

¹⁰ F00038, Public Redacted Version of Decision on Defence Request for Extension of Time to File its Notice of Appeal Against the Reparation Order, 17 January 2025 (confidential version filed on 14 January 2025) ("Decision on Extension of Time to File Notices of Appeal Against Reparation Order"), para. 6. The Appeals Panel granted Victims' Counsel the same variation of time limit to file a notice of appeal, if any. See Decision on Extension of Time to File Notices of Appeal Against Reparation Order, paras 7-8.


¹¹ See Notice of Appeal.

proceedings in this case are the first before the Specialist Chambers against a reparation order and may, therefore, set important precedents.¹² For these reasons, the Panel finds that good cause exists for granting the requested variation of the time limit for Shala to file his appeal brief against the Reparation Order.¹³

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

GRANTS the Motion; and

AUTHORISES the Defence to file its appeal brief by 14 March 2025.



**Judge Michèle Picard,
Presiding Judge**

Dated this Wednesday, 12 February 2025

At The Hague, the Netherlands

¹² Decision on Extension of Time to File Notices of Appeal Against Reparation Order, para. 6.

¹³ In light of this finding, the Appeals Panel does not find it necessary to address the remaining arguments raised by Shala. See Motion, para. 9.