



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: 16 April 2025

Original language: English

Classification: Public

**Decision on Defence Request for an Extension of Time to File a Reply to Victims'
Counsel's Response to Reparations Appeal**

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 16 April 2025 by Mr Pjetër Shala (respectively, “Motion” and “Shala”, “Accused” or “Defence”).²

1. The Accused requests a seven-day extension of the time limit³ for filing his brief in reply to the brief filed by Victims’ Counsel (“Response Brief”) in response to Shala’s appeal against the Reparation Order issued in case KSC-BC-2020-04 (“Appeal Brief”), namely until 24 April 2025.⁴ Shala argues that there is good cause for the extension requested as: (i) Victims’ Counsel submitted an extensive Response Brief which is considerably longer than the Appeal Brief; (ii) the Response Brief raises fundamental, complex and novel issues that require proper consideration and time in order to prepare a meaningful reply; (iii) the Defence faces competing obligations, namely the preparation of the appeal hearing, which is scheduled on 15 and 16 May 2025; (iv) the Defence team has a reduced working capacity; and (v) available resources will be

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

² F00056, Defence Request for an Extension of Time to file its Reply to Victims’ Counsel Response to Reparations Appeal, 16 April 2025 (“Motion”).

³ The Panel notes that while Shala mentioned, in the Motion, an eight-day extension of time, he specifically requests to be allowed to file his reply brief by Thursday, 24 April 2025, which corresponds to a seven-day extension of time. See Motion, paras 7, 11. The Panel also notes that the requested extension of time corresponds to an extension of three working days.

⁴ Motion, paras 7, 11. See F00055/RED, Public Redacted Version of Victims’ Counsel’s Response to the Defence Appeal of the Reparation Order, 15 April 2025 (confidential version filed on 4 April 2025) (“Response Brief”); F00049/COR/RED, Public Redacted Version of Corrected Version of Defence Appeal Brief against the Reparation Order, 26 March 2025 (corrected confidential version filed on 19 March 2025, uncorrected confidential version filed on 14 March 2025) (“Appeal Brief”); 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), paras 1042, 1127.

limited during the upcoming Easter holiday.⁵ Shala further submits that it is in the interests of justice to grant the Defence additional time.⁶

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 Articles 47 to 50 of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers.⁷ The Appeals Panel further recalls that according to Rule 179(3) of the Rules, where the appeal is limited to sentencing, any brief in reply should be filed within 10 days of the Response Brief.⁸ However, the Panel recalls that pursuant to Rule 9(5)(a) of the Rules, it 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.

3. Regarding the timeliness of the Motion, the Panel notes that the deadline for the filing of Shala's brief in reply would normally be 17 April 2025, just one working day after the filing of the Motion. The Panel observes that the Accused acknowledges that his request is filed at a late stage and states that he has done his utmost to meet the deadline.⁹ The Panel finds that the Accused had ample opportunity to file such a request at an earlier stage, given that it was notified of the Response Brief on 7 April 2025.¹⁰ The Panel therefore considers that the Motion has not been filed timely and urges Shala to anticipate further in advance any similar future requests.¹¹

⁵ Motion, para. 8.

⁶ Motion, para. 9.

⁷ CRSPD11, Email from CMU to the Parties and Participants regarding Potential appeal(s) of the Reparation Order against Pjetër Shala, 29 November 2024 (confidential) ("Order on Briefing Schedule For Appeals Against Reparation Order").

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

⁹ Motion, para. 8.

¹⁰ The Panel notes that the confidential version of the Response Brief was filed on Friday, 4 April 2025 and distributed on Monday, 7 April 2025, at 09:17.

¹¹ See also F00038/RED, 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. 4.

4. Nevertheless, the Panel will consider whether Shala demonstrates good cause for his request for a variation of the time limit to file his reply brief.

5. The Appeals Panel recalls that, upon Shala's and Victims' Counsel's requests respectively, it varied the time limit for filing a notice of appeal as well as the time limits for filing Shala's Appeal Brief and Victims' Counsel's Response Brief, in light of the significance of the issues addressed in the Reparation Order, as well as their novelty before the Panel.¹² In the Response Brief, Victims' Counsel is responding to Shala's five grounds of appeal, consisting of alleged errors of law and fact.¹³ The Panel recalls that the appeal proceedings in this case are the first before the Specialist Chambers against a reparation order and may, therefore, set important precedents.¹⁴ For these reasons, the Panel finds that good cause exists for granting a variation of the time limit of seven days, comprising three working days, for the Accused to file his brief in reply to Victims' Counsel Response Brief, namely until 24 April 2025.¹⁵

6. Finally, the Panel recalls that, pursuant to Rule 9(6) of the Rules, a motion for variation of time limits may be disposed of without giving the opposing Party the opportunity to be heard. In light of the imminence of the time limit for filing Shala's brief in reply, and given that no prejudice will be caused to Victims' Counsel, the Panel considers that it is in the interests of justice to dispose of the Motion immediately.

¹² Decision on Extension of Time to File Notices of Appeal Against Reparation Order, para. 6; F00046, Decision on Defence Request for Extension of Time to File its Appeal Brief Against the Reparation Order, 12 February 2025 ("Decision on Extension of Time to File Appeal Brief Against Reparation Order"), para. 5; F00051, Decision on Victims' Counsel's Request for an Extension of Time to Respond to the Defence Appeal Brief Against the Reparation Order, 27 March 2025 ("Decision on Extension of Time to File Response Brief Against Reparation Order"), para. 6.

¹³ See Response Brief. See also F00042, Defence Notice of Appeal of the Reparation Order, 28 January 2025; Appeal Brief.

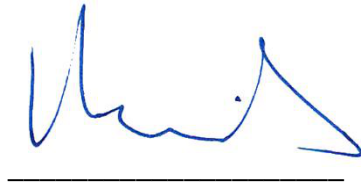
¹⁴ Decision on Extension of Time to File Response Brief Against Reparation Order, para. 6; Decision on Extension of Time to File Appeal Brief Against Reparation Order, para. 5; Decision on Extension of Time to File Notices of Appeal Against Reparation Order, para. 6. See also Motion, para. 8.

¹⁵ 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.

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

GRANTS the Motion; and

AUTHORISES the Defence to file its brief in reply to Victims' Counsel's Response Brief by 24 April 2025.



**Judge Michèle Picard,
Presiding Judge**

Dated this Wednesday, 16 April 2025

At The Hague, the Netherlands