



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: 7 May 2025

Original language: English

Classification: Public

**Decision on Defence Request for Variation of Word Limit of Reply to Victims'
Counsel Response to Reparation 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 request for an extension of the word limit (“Request”) submitted by Mr Pjetër Shala (“Shala”, “Accused” or “Defence”) in his “Reply to Counsel for Victims Response to Defence Appeal Brief against the Reparation Order” filed on 24 April 2025 (“Reply Brief”).²

1. The Accused requests leave to exceed the word limit allowed for replies by 1,864 words within the first footnote of his brief in reply to the brief filed by Victims’ Counsel in response to Shala’s appeal against the Reparation Order issued in case KSC-BC-2020-04.³ The Defence argues that the Request should be granted given the length of the Response Brief and the need to provide a meaningful reply to it.⁴ The Reply Brief was filed with a word count of 5,864 words.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 Articles 47 to 50 of the Practice Direction on Files and Filings before the Kosovo

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

² F00058, Reply to Counsel for Victims Response to Defence Appeal Brief against the Reparation Order, 24 April 2025 (confidential) (“Reply Brief”), fn. 1.

³ Reply Brief, fn. 1. 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.

⁴ Reply Brief, fn. 1.

⁵ See Reply Brief, p. 19.

Specialist Chambers (“Practice Direction”).⁶ The Appeals Panel further recalls that according to Article 50 of the Practice Direction, where the appeal is limited to sentencing, any brief in reply shall not exceed 4,000 words.⁷ In addition, Article 36(1) of the Practice Direction states that participants to proceedings may seek, sufficiently in advance, an extension of the word limit upon showing that good cause exists constituting exceptional circumstances.

3. Regarding the timeliness of the Request, the Appeals Panel notes that it was not filed in advance of the Reply Brief, but rather included in Shala’s Reply Brief itself. Shala not only makes no submissions to justify the Request’s lateness, but also places the Request within a footnote in the Reply Brief. In addition, the Panel recalls that it granted a late request from the Defence for a seven-day extension of the time limit to file the Reply Brief, urging the Defence to anticipate further in advance any similar future requests.⁸ As required by the Practice Direction, and in the absence of any decision by the Appeals Panel to the contrary, the Panel is of the view that Shala could and should have requested a variation of the word limit sufficiently in advance, and, at the latest, at the same time as the Request for Time Extension to File Reply Brief. It therefore considers that the Request has not been filed in a timely manner. In addition, the Panel reminds Shala of his obligations to abide by the Practice Direction when submitting his filings before the Panel.⁹

⁶ 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”); KSC-BD-15, Registry Practice Direction, Files and Filings before the Kosovo Special Chambers, 17 May 2019 (“Practice Direction”).

⁷ Article 50(2) of the Practice Direction. See also Order on Briefing Schedule For Appeals Against Reparation Order.

⁸ F00057, Decision on Defence Request for an Extension of Time to File a Reply to Victims’ Counsel’s Response to Reparations Appeal, 16 April 2025 (“Decision on Extension of Time to File Reply Brief”), paras 3, 7. Shala filed his request for variation of the time limit one working day before the deadline for the filing of his brief in reply. See F00056, Defence Request for an Extension of Time to file its Reply to Victims’ Counsel Response to Reparations Appeal, 16 April 2025 (“Request for Time Extension to File Reply Brief”).

⁹ See Decision on Extension of Time to File Reply Brief, para. 3. See also ICTY, *Prosecutor v. Šešelj*, IT-03-67-R77.2-A, Decision on Vojislav Šešelj’s Request to Submit an Oversized Reply Brief, 9 April

4. Nevertheless, out of fairness to the Accused, the Appeals Panel will consider whether Shala demonstrates good cause that would exceptionally justify a variation of the word limit of his Reply despite the untimeliness of the Request.

5. The Panel notes that Shala mainly relies on the length of the Response Brief to justify his request, without further substantiating how exceptional circumstances exist to justify such an oversized filing, adding almost half the amount of words that would normally apply. In this regard, the Panel recalls that a reply generally addresses a limited range of matters,¹⁰ and that the quality and effectiveness of appellate submissions do not depend on their length, but rather on their clarity and cogency and that, therefore, excessively lengthy appellate submissions do not necessarily serve the cause of an efficient administration of justice.¹¹ For these reasons, the Panel finds that the 1,864 additional words Shala requests for his Reply Brief are neither necessary nor warranted in the circumstances.

6. Nevertheless, the Appeals Panel recalls that, upon Shala's and Victims' Counsel's requests, it varied the time limit for filing a notice of appeal, Shala's Appeal Brief, Victims' Counsel's Response Brief, and Shala's Reply Brief in light of the significance of the issues addressed in the Reparation Order, as well as their novelty before the Panel.¹² In addition, in the Response Brief, Victims' Counsel responded to

2010, p. 3 (holding that an appeals chamber reserves the right to disregard arguments set out in the excess portion of any oversized submission without allowing the accused the opportunity to re-file or otherwise comment on submissions).

¹⁰ KSC-CA-2022-01, F00063, Decision on Defence Requests for Variation of Word Limit of Briefs in Reply, 12 October 2022 ("*Gucati and Haradinaj* Decision on Word Limit Variation"), para. 6.

¹¹ KSC-BC-2020-04, IA006, F00003, Decision on Shala Request for Extension of Word Limit, 8 February 2023, para. 4; *Gucati and Haradinaj* Decision on Word Limit Variation, para. 6.

¹² 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. 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; Decision on Extension of Time to File Reply Brief, para. 5.

Shala's five grounds of appeal, consisting of alleged errors of law and fact, using the totality of the number of words allocated.¹³ The Panel further 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

7. For these reasons, the Panel finds that good cause exists for granting a limited variation of the word limit of the Reply Brief and considers that an extension of 1,000 words is justified in the present circumstances. Consequently, the Appeals Panels considers it appropriate to strike the Reply Brief in its entirety as invalidly filed, and to provide Shala the opportunity to re-file his brief in reply not exceeding 5,000 words.

8. Finally, the Panel recalls that, pursuant to Article 36(2) of the Practice Direction, motions for the variation of word limits may be disposed of without giving the opposing Party the opportunity to be heard. 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 Request immediately.

¹³ See Response Brief, p. 38. See also F00042, Defence Notice of Appeal of the Reparation Order, 28 January 2025; Appeal Brief.

¹⁴ Decision on Extension of Time to File Reply Brief, para. 5; 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.

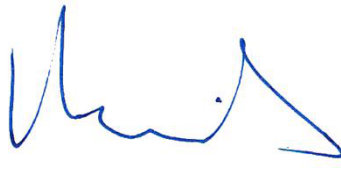
9. For these reasons, the Court of Appeals Panel:

DENIES the Request;

STRIKES the Reply Brief;

ORDERS Shala to re-file his brief in reply of no more than 5,000 words by Friday, 23 May 2025; and

ORDERS Shala to file a public redacted version of his re-filed brief in reply by Friday, 30 May 2025.



**Judge Michèle Picard,
Presiding Judge**

Dated this Wednesday, 7 May 2025

At The Hague, the Netherlands