

KSC-CA-2024-03

Name:

The Specialist Prosecutor v. Pjetër Shala

Before:

A Panel of the Court of Appeals Chamber

Judge Michèle Picard, Presiding

Judge Kai Ambos

Judge Nina Jørgensen

Registrar:

Dr. Fidelma Donlon

Date:

15 May 2025

Classification:

PUBLIC REDACTED

[IN COURT REDACTION ORDER]

The Presiding Judge of a Panel of the Court of Appeals Chamber FINDS that the following blacked-out text contains confidential information and ORDERS this information shall be removed/ edited from the PUBLIC broadcast/streaming, audio visual recording and transcripts in all three languages *Albanian/ English/ Serbian*. Hearing of 15 May 2025, transcript reference Page 25 Line 24 to 25 (time code from 14:34:54 to 14:35:06).

25:23	And I refer Your Honours to the transcript page 808.	14:34:32
24		14:34:37
25		14:35:06
26:1	to be found in pages 648 and page 752 of the transcript.	14:35:06
2	Prosecution Witness 9 said they discovered the name Pjeter Shala	14:35:06
3	after the war in 2000, and that Witness 4733 didn't know who	14:35:09
4	Pjeter Shala was. No wonder he describes him as he does.	14:35:15
5	Prosecution Witness 9 also said that this man they discovered to	14:35:22
6	be Pjeter Shala came from Croatia. This is to be found at page 1007	14:35:27
7	of the transcript.	14:35:37
8	Witness 4733 claimed that Prosecution Witness number 6 told him	14:35:39
9	that this person was, in 1998, in front of their house with his son,	14:35:48
10	meaning the person meant to be Pjeter Shala. That's to be found at	14:35:57
11	Exhibit 082892-TR-ET Part 1 RED3, page 36.	14:36:02
10	This form is book commandiated by Donorantin Wilson Command	14.25.12

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33:6	result he was found fully and entirely not incredible.	14:51:21
7	Your Honours, in this trial, in this judgment, a witness	14:51:24
8	is not an indicator of a possibility to lie on	14:51:33
9	the same facts, same topics, and same evidence, even when it is	14:51:36
10	coupled with threats to the accused inside the courtroom to him and	14:51:40
11	to his family. While, politician's Facebook post depicting personal	14:51:45
12	opinions of what he perceives and believes based on his own work and	14:51:53
13	his own books, right or wrong, which are intellectual and academic,	14:51:58
14	would be an indicator of a possibility to lie or hide and shield the	14:52:02
15	accused from responsibility.	14:52:05
16	This is one of many examples of the same trend of double	14:52:08
17	standards, Your Honours, which resulted in the errors of law and the	14:52:11
18	errors of fact developed throughout our grounds 6 to 11.	14:52:16
19	This concludes my address. And without further delay, I pass on	14:52:22
20	to Ms. Cariolou, who will provide the Defence's answer to Your	14:52:26

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Date original: 19/05/2025 10:57:00 Date public redacted version: 19/05/2025 10:58:00



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45:13	he knew that guns would be used to shoot the murder victim.	15:15:44
14		15:15:49
15		15:15:52
16	I will not mention further details as we are in open	15:15:57
17	session.	15:15:59
18	It is entirely unclear that he was aware or could foresee that,	15:16:00
19	if shot, the murder victim would be denied life saving medical	15:16:06
20	treatment and would be left to die. '	15:16:10
21	To convict Mr. Shala for murder, the Panel needed to be certain	15:16:12
22	that Shala had intended to murder the victim. The Defence contests	15:16:18
23	for the reasons set out in our brief that Shala was present during	15:16:25
24	this incident. Even taking the Prosecution's case at its highest, it	15:16:29
25	is our respectful submission that the Panel erred in finding that	15:16:33
46:1		15:16:37
2	exact same intent to kill as the shooter and the person denying	15:16:43
3	medical assistance.	15:16:50
4	It is, therefore, not fair, in our respectful submission, that	15:16:50
5	Shala should share equally the responsibility for the murder.	15:16:53
- 6	I will now briefly turn to the last question.	15:16:57

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61:8	misstatement and inhumane detention conditions did continue after	16:23:12
9	June 5th, and I'm referring, for instance, to	16:23:15
10		16:23:20
11	I'm referring to the	16:23:24
12	cramped condition that remained in the detention building, the heat,	16:23:30
13	the scarcity of food and lack of medical care even for those who	16:23:33
14	needed it.	16:23:37
15	Thus, Your Honours, the collective mistreatment of the detainees	16:23:37
16	and their inhumane treatment did continue after June 5th, but	16:23:42
17	Mr. Shala is neither charged with it nor has the Panel convicted him	16:23:48
18	for it. So ^ post-indictment mistreatment, we would be happy to	16:23:56
19	provide it in writing or if Your Honours want at the end of the	16:24:02
20	hearing, but unless there is a specific request in that regard we	16:24:04
21	will now move on to the second part of Ground 7.	16:24:10
22	I will now address the live evidence supporting the detention of	16:24:14
23	the four individuals discussed in paragraphs 133 to 136 of the	16:24:21
24	Defence appeal brief.	16:24:31
25	Your Honours asked the Defence challenges for ^ what live	16:24:36

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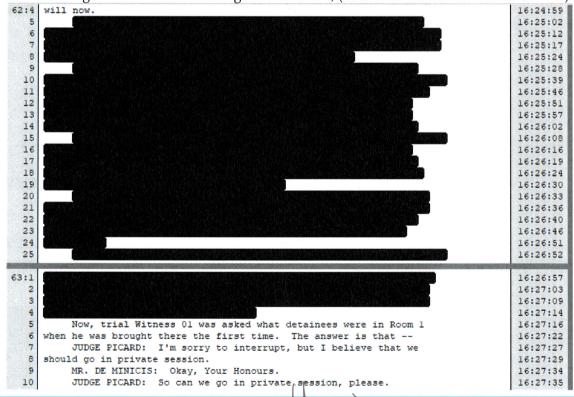
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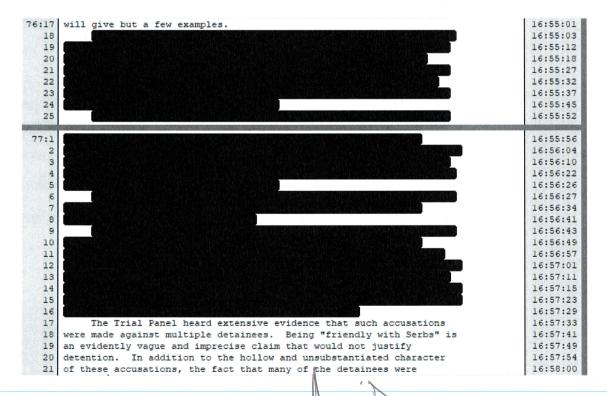
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78:23	who repeatedly testified that no one in his family was a spy or	17:00:38
	scaceu	17:00:44
25	that he was so shocked by this claim he had no words. Your Honours,	17:00:51
79:1	that the's P156, page 9.	17:01:00
2	These denials made at the time and thereafter support the	17:01:01
3	Panel's conclusion that no security concerns made it absolutely	17:01:19
4	necessary for any of these detainees to be deprived of their liberty.	17:01:19
5	Finally, it bears mention that the conduct of the KLA at the	17:01:20
	Kukes metal factory further undermines the argument that the	17:01:22
7	detainees were considered security risks. TW4-05 and three Roma	17:01:26
8	musicians were allowed out of Room 1 to perform forced labour in	17:01:34
9	other areas of the compound. It is illogical that persons detained	17:01:41
10		17:01:48
11	permitted to leave their detention area and observe the larger	17:01:53
12	operations of the KLA at that location involving the risk of sabotage	17:02:01

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79:20	the case.	17:02:42
21	For example, TW4-01 was accused of	17:02:42
22		17:02:55
23		17:03:00
24		17:03:06
25		17:03:12
80:1		17:03:19
2	While he was being mistreated, the same detainee, TW4-01, was	17:03:20
3	told that if we confessed to a murder, he would be safe. This is at	17:03:25
4	trial judgment paragraph 404. Such a statement is entirely	17:03:30
5	inconsistent with detention related to criminal charges for murder.	17:03:37
6	As I stated before, another witness, W04733, was also accused of	17:03:42
7	being a murderer and a rapist. Although, there is no evidence that	17:03:50
8	he was provided with any specific information on the alleged victims	17:03:55
9	or any other facts about these alleged crimes. He could not answer	17:03:59
10	anyways as he was beaten whenever he tried.	17:04:05

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have possibly stopped. This evidence is consistent with that of other witnesses who testified that when the murder victim they were unable to stop the bleeding.

One portion of 1448's evidence is particularly powerful in this regard in helping Your Honours to visualise the amount of blood lost, the same amount of blood loss that Mr. Shala saw.

The blankets that were used in the failed attempt to stop the bleeding became all red. They became soaked in the blood of the murder victim. Now, Your Honours, any person would have realised the critical position in which the perpetrators would have reduced the murder victim after the shot. Any person. Mr. Shala, however, was not any person. He was a seasoned soldier who only a few days before the murder had driven back wounded and dead comrades from the

17:19:16 17:19:20 17:19:24 17:19:38 17:19:38 17:19:44 17:19:55 17:20:00 17:20:05 17:20:05 17:20:13 17:20:19

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