



In: 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	[REDACTED]	14:34:37
25	[REDACTED]	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
12	This fact is best established by Prosecution Witness 6 at page	14:36:12

Judge Michèle Picard
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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 [REDACTED]	14:51:24
8	[REDACTED] 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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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	Shala himself intended to kill, that Shala himself had shared the	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 [REDACTED]	16:23:15
10	[REDACTED]	16:23:20
11	[REDACTED] 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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62:4	will now.	16:24:59
5	[REDACTED]	16:25:02
6	[REDACTED]	16:25:12
7	[REDACTED]	16:25:17
8	[REDACTED]	16:25:24
9	[REDACTED]	16:25:28
10	[REDACTED]	16:25:39
11	[REDACTED]	16:25:46
12	[REDACTED]	16:25:51
13	[REDACTED]	16:25:57
14	[REDACTED]	16:26:02
15	[REDACTED]	16:26:08
16	[REDACTED]	16:26:16
17	[REDACTED]	16:26:19
18	[REDACTED]	16:26:24
19	[REDACTED]	16:26:30
20	[REDACTED]	16:26:33
21	[REDACTED]	16:26:36
22	[REDACTED]	16:26:40
23	[REDACTED]	16:26:46
24	[REDACTED]	16:26:51
25	[REDACTED]	16:26:52
63:1	[REDACTED]	16:26:57
2	[REDACTED]	16:27:03
3	[REDACTED]	16:27:09
4	[REDACTED]	16:27:14
5	Now, trial Witness 01 was asked what detainees were in Room 1	16:27:16
6	when he was brought there the first time. The answer is that --	16:27:22
7	JUDGE PICARD: I'm sorry to interrupt, but I believe that we	16:27:27
8	should go in private session.	16:27:29
9	MR. DE MINICIS: Okay, Your Honours.	16:27:34
10	JUDGE PICARD: So can we go in private session, please.	16:27:35


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76:17	will give but a few examples.	16:55:01
18	[REDACTED]	16:55:03
19	[REDACTED]	16:55:12
20	[REDACTED]	16:55:18
21	[REDACTED]	16:55:27
22	[REDACTED]	16:55:32
23	[REDACTED]	16:55:37
24	[REDACTED]	16:55:45
25	[REDACTED]	16:55:52
77:1	[REDACTED]	16:55:56
2	[REDACTED]	16:56:04
3	[REDACTED]	16:56:10
4	[REDACTED]	16:56:22
5	[REDACTED]	16:56:26
6	[REDACTED]	16:56:27
7	[REDACTED]	16:56:34
8	[REDACTED]	16:56:41
9	[REDACTED]	16:56:43
10	[REDACTED]	16:56:49
11	[REDACTED]	16:56:57
12	[REDACTED]	16:57:01
13	[REDACTED]	16:57:11
14	[REDACTED]	16:57:15
15	[REDACTED]	16:57:23
16	[REDACTED]	16:57:29
17	The Trial Panel heard extensive evidence that such accusations	16:57:33
18	were made against multiple detainees. Being "friendly with Serbs" is	16:57:41
19	an evidently vague and imprecise claim that would not justify	16:57:49
20	detention. In addition to the hollow and unsubstantiated character	16:57:54
21	of these accusations, the fact that many of the detainees were	16:58:00


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78:23	who repeatedly testified that no one in his family was a spy or	17:00:38
24	collaborator. TW4-04, [REDACTED] stated	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
6	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	on the basis of constituting a serious security concern would be	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 [REDACTED]	17:02:42
22	[REDACTED]	17:02:55
23	[REDACTED]	17:03:00
24	[REDACTED]	17:03:06
25	[REDACTED]	17:03:12
80:1	[REDACTED]	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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87:2	have possibly stopped. This evidence is consistent with that of	17:19:16
3	other witnesses who testified that when the murder victim [REDACTED]	17:19:20
4	[REDACTED] they were unable to stop the bleeding.	17:19:24
5	One portion of 1448's evidence is particularly powerful in this	17:19:38
6	regard in helping Your Honours to visualise the amount of blood lost,	17:19:38
7	the same amount of blood loss that Mr. Shala saw.	17:19:44
8	The blankets that were used in the failed attempt to stop the	17:19:51
9	bleeding became all red. They became soaked in the blood of the	17:19:55
10	murder victim. Now, Your Honours, any person would have realised the	17:20:00
11	critical position in which the perpetrators would have reduced the	17:20:05
12	murder victim after the shot. Any person. Mr. Shala, however, was	17:20:09
13	not any person. He was a seasoned soldier who only a few days before	17:20:13
14	the murder had driven back wounded and dead comrades from the	17:20:19

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