



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**File number:** KSC-SC-2025-06

**Before:** A Panel of the Supreme Court Chamber  
Judge Ekaterina Trendafilova, Presiding  
Judge Christine van den Wyngaert  
Judge Daniel Fransen

**Registrar:** Fidelma Donlon

**Date:** 8 August 2025

**Language:** English

**Classification:** Public

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## Decision on the Request for an Extension of Time and Word Limit

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**Specialist Prosecutor:**

Kimberly P. West

**Counsel for Pjetër Shala::**

Jean-Louis Gilissen

**Counsel for Victims:**

Simon Laws

**THE PANEL OF THE SUPREME COURT CHAMBER** of the Kosovo Specialist Chambers (“Supreme Court Panel” or “Panel”), noting Article 48(6) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rules 4(2) and 9(5)(a) of the Rules of Procedure and Evidence (“Rules”), and Articles 36(1) and 56(3) of the Practice Direction on Files and Filings (“Practice Direction”), hereby renders this decision on the “Defence Request for an Extension of Time and Word Limit for its Request for Protection of Legality” (“Request for an Extension of Time and Word Limit” or “Request”).<sup>1</sup>

## **I. PROCEDURAL BACKGROUND**

1. On 16 July 2024, Trial Panel I rendered the “Trial Judgment”, wherein it, *inter alia*, convicted Pjetër Shala (“Mr Shala”) of the war crimes of arbitrary detention, torture and murder, and sentenced him to a single sentence of 18 years of imprisonment, with credit for time served.<sup>2</sup>

2. On 14 July 2025, the Court of Appeals Panel issued the “Appeal Judgment” wherein it, *inter alia*, affirmed Mr Shala’s conviction, in part, for the war crimes of arbitrary detention, torture, and murder, and set aside Mr Shala’s single sentence of 18 years imprisonment imposed by the Trial Panel and reduced it to a single sentence of 13 years, with credit for time served.<sup>3</sup>

3. On 23 July 2025, the Defence of Mr Shala filed the Request for an Extension of Time and Word Limit.

4. On 28 July 2025, the Specialist Prosecutor’s Office (“SPO”) filed the “Prosecution Response to ‘Defence Request for an Extension of Time and Word Limit for its Request

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<sup>1</sup> F00001, Defence Request for an Extension of Time and Word Limit for its Request for Protection of Legality, 23 July 2025.

<sup>2</sup> KSC-BC-2020-04/F00847, Trial Judgment and Sentence with one confidential annex, 16 July 2024 (confidential), paras 1037-1039, 1086, 1103-1108, 1121-1122, 1124.

<sup>3</sup> KSC-CA-2024-03/F00069, Appeal Judgment, 14 July 2025 (confidential), para. 938. A public redacted version of the Appeal Judgment was issued on the same day (KSC-CA-2024-03/F00069/RED).

for Protection of Legality’”,<sup>4</sup> wherein the SPO opposes the Request (“SPO’s Response”).<sup>5</sup>

5. On 4 August 2025, Mr Shala filed the “Reply to the Prosecution Response to the Defence Request for an Extension of the Time and Word Limits for the Request for Protection of Legality” (“Reply”),<sup>6</sup> which was notified the following day.

## II. DISCUSSION

6. Mr Shala contends that there is good cause to be granted an extension of time of 60 days to file a request for protection of legality by 12 December 2025, in order to thoroughly review the lengthy Appeal Judgment, which involves complex legal issues, and makes meaningful submissions.<sup>7</sup> Referring to Rule 76 of the Rules, Mr Shala submits that he filed the Request in advance, right after the delivery of the Appeal Judgment as required by the Rule.<sup>8</sup> Mr Shala further submits that he will only receive an official Albanian translation of the Appeal Judgment on 14 November 2025 and the unofficial one on 12 September 2025.<sup>9</sup> He also refers to a number of factors involving logistical constraints such as limited team capacity due to summer recess and budgetary reduction, which prevent his defence from submitting the request for protection of legality within the time-limit required. Finally, Mr Shala requests an additional 9000 words extension of word limit given “the number, significance, and complexity of the issues to be raised in the Request for Protection of Legality”.<sup>10</sup>

7. The SPO submits that an extension of time for Mr Shala to file a request for protection of legality, being a statutory requirement, is not permitted based on the

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<sup>4</sup> F00003, Prosecution Response to ‘Defence Request for an Extension of Time and Word Limit for its Request for Protection of Legality’, 28 July 2025.

<sup>5</sup> SPO’s Response, paras 1,6.

<sup>6</sup> F00004, Reply to the Prosecution Response to the Defence Request for an Extension of the Time and Word Limits for the Request for Protection of Legality, 5 August 2025.

<sup>7</sup> Request, paras 2, 4.

<sup>8</sup> Request, para. 3.

<sup>9</sup> Request, para. 4; para. fns 1-2.

<sup>10</sup> Request, paras 1,8.

Panel's previous jurisprudence, which only foresaw a possibility to vary times lines regulated by the Rules.<sup>11</sup> According to the SPO, Mr Shala should, therefore, file his request by 14 October 2025.<sup>12</sup>

8. The SPO further submits that Mr Shala's reference to the insufficiency of the word limit, the number, significance, and complexity of the issues to be addressed in the request for protection of legality without explaining how these factors justify an extension of the word limit, does not meet the threshold of exceptional circumstances and good cause required for granting this request.

9. In the Reply, Mr Shala reiterates that the extension of time and word limits are justified in order to ensure Mr Shala's fair trial rights. Referring to the decision issued by the Supreme Court on Mr Salih Mustafa's request for protection of legality ("Mr Mustafa PoL Decision" or "PoL Decision"), Mr Shala claims that the Panel stated that "pursuant to Rule 183(4), a defendant must receive the Appeal Judgment in a language [Mr Mustafa] understands 'as soon as possible' in order to exercise the right to request Protection of Legality".<sup>13</sup>

10. The Supreme Court Panel takes note of Mr Shala's Request and the arguments in support. The Supreme Court Panel further notes that Rule 9(5)(a) of the Rules provides that a Panel may, upon showing of good cause, extend or reduce any time limit prescribed by *the Rules* or *set by the Panel*" (emphasis added). However, the Supreme Court Panel previously stated that the three-month period within which to request protection of legality in relation to a final judgment is provided for in Article 48(6) of the Law. As a statutory time limit, which is designed to ensure legal certainty, it is absolute and in terms of hierarchy of sources, cannot be varied by the Rules.<sup>14</sup> The

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<sup>11</sup> SPO's Response, para.2.

<sup>12</sup> SPO's Response, para. 2.

<sup>13</sup> Reply, para. 3.

<sup>14</sup> KSC-SC-2024-02/F00009, Decision on the Request for an Extension of Time, 25 January 2024, para. 12; Cf. Rule 4(2) of the Rules.

Law does not provide a legal basis to vary this time limit. Accordingly, and unlike time lines for notices of appeal, motions, responses or replies, which are regulated in the Rules, the Supreme Court Panel cannot vary time lines explicitly provided for in the Law,<sup>15</sup> despite Mr Shala's claim regarding the timing for receiving the Albanian translation of the Appeal Judgment.

11. In this respect, the Supreme Court Panel wishes to point out that Mr Shala's defence is misreading Mr Mustafa PoL Decision.<sup>16</sup> In that decision the Supreme Court Panel while acknowledging the importance of receiving the Appeal Judgment in a language Mr Mustafa understands, it also weighed other factors, which counter balanced the issue of receipt of the Albanian translation finding no violation in this regard.<sup>17</sup>

12. In the context of Mr Shala's case, the core issue is the same and the findings of the Supreme Court Panel in Mr Mustafa PoL Decision remain relevant. In particular, the Appeal Judgment was issued in English which is the working language of the proceedings, including the appeal. Moreover, Mr Shala has been assisted throughout the appeal proceedings by his defence who is in command of the English language and is thus able to assist in interpreting and explaining the judgment as well as preparing the request for protection of legality. In particular, as this Panel decided earlier, a request for protection of legality "is entirely of a legal nature, which falls primarily within the responsibility of a Defence Counsel, [...][who] is in a position to advise [his client] on a request for protection of legality without any official translation of the Appeal Judgment".<sup>18</sup> Moreover, as noted by Mr Shala, the unofficial Albanian

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<sup>15</sup> Cf. ICTY, *Prosecutor v. Duško Tadić*, Case No. IT-94-1-A, Decision on Appellant's Motion for the Extension of the Time-Limit and Admission of Additional Evidence, 15 October 1998, para. 36 ("whilst the Rules can illustrate the meaning of the Statute under which they are made, they cannot vary the Statute").

<sup>16</sup> KSC-SC-2024-02/F00018, Decision on Salih Mustafa's Request for Protection of Legality, 29 July 2024.

<sup>17</sup> PoL Decision, paras 39-42, 44.

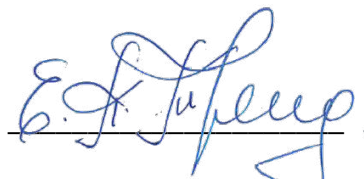
<sup>18</sup> PoL Decision, para. 42.

translation is due by 12 September 2025. This is more than one month from the expiry date for Mr Shala to file his request for protection of legality. This was equally the case in Mr Mustafa PoL Decision. It follows, that Mr Shala's arguments in this regard are without merit, and accordingly, must be dismissed.

13. With respect to the request for an extension of the word limit, the Supreme Court Panel observes that Mr Shala is requesting double the word limit provided for in Article 56(3) of the Practice Direction. In this respect, the Supreme Court Panel agrees with the SPO that Mr Shala's mere reference to the insufficiency of the word limit without showing how the factors referred to support such a large extension, is not sufficient to justify the existence of exceptional circumstances or good cause in support of his request.

### III. DISPOSITION

For the foregoing reasons, the Panel hereby **DISMISSES** the Request for an Extension of Time and Word Limit.



**Judge Ekaterina Trendafilova,**  
**Presiding**

Dated this Friday, 8 August 2025  
At The Hague,  
The Netherlands