



**File number:** KSC-BC-2020-04/IA002

**Before:** The President of the Specialist Chambers  
Judge Ekaterina Trendafilova

**Registrar:** Fidelma Donlon

**Date:** 28 October 2021

**Language:** English

**Classification:** Public

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**Decision Assigning a Court of Appeals Panel to Consider  
a Request for an Extension of Time Limit**

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**Judges of the Court of Appeals Panel:**

Judge Michèle Picard

Judge Emilio Gatti

Judge Nina Jørgensen

**Specialist Prosecutor's Office:**

Jack Smith

**Counsel for Pjetër Shala:**

Jean-Louis Gilissen

**THE PRESIDENT** of the Specialist Chambers (“President”), noting Articles 33(1)(c) and 45(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rules 9(5), 13(1)(c), 97(3), 169 and 170(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”) and Rules 3 and 4 of the Rules on the Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Court of Appeals Panel to decide on Pjetër Shala’s (“Mr Shala”) request for an extension of time<sup>1</sup> (“Request”) to appeal the Pre-Trial Judge’s “Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers” (“Decision on Establishment and Jurisdiction”).<sup>2</sup>

## I. PROCEDURAL BACKGROUND

1. On 18 October 2021, the Pre-Trial Judge issued the Decision on Establishment and Jurisdiction wherein he rejected, *inter alia*, Mr Shala’s “Motion insofar as it challenges the jurisdiction of the [Kosovo Specialist Chambers] on the basis of Rule 97(1)(a) of the Rules”.<sup>3</sup>

2. On 27 October 2021, Mr Shala filed the Request,<sup>4</sup> wherein he seeks ten days as a variation of the initial time limit set out in Rule 170(1) of the Rules, to appeal the Decision on Establishment and Jurisdiction.<sup>5</sup>

## II. DISCUSSION

3. At the outset, the President observes that Mr Shala filed his Request before the President. However, the final relief sought is addressed to the Pre-Trial Judge. Since

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<sup>1</sup> F00096, Defence Request for an Extension of Time to Appeal ‘Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers’, 27 October 2021.

<sup>2</sup> F00088, Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers, 18 October 2021. The decision was notified on 19 October 2021.

<sup>3</sup> See Decision on Establishment and Jurisdiction, para. 104.

<sup>4</sup> See generally the Request.

<sup>5</sup> Request, para. 12.

the Request pertains to a variation of the time limit for an appeal on jurisdiction to be filed before the Court of Appeals Panel, only the latter may decide such Request.

4. According to Article 33(1)(c) of the Law, an assignment to a Court of Appeals Panel shall take place “as soon as a motion for an interlocutory appeal in relation to a decision of a Pre-Trial Judge or a Trial Panel by right under Article 45(1) is filed [...]”. Further, Rule 169 of the Rules stipulates that “[p]ursuant to Article 33(1)(c) of the Law, the President shall assign a Court of Appeals Panel as soon as an interlocutory appeal is filed as of right [...], or *as otherwise necessary*” (emphasis added).

5. Mr Shala has not yet filed his appeal against the Decision on Establishment and Jurisdiction. However, given the significance to rule on the Request *sub judice* prior to the expiry of the deadline set out under Rule 170(1) of the Rules, the President deems it necessary to assign a Court of Appeals Panel in accordance with the last phrase of Rule 169 of the Rules.

### III. ASSIGNMENT

6. Having considered the criteria set forth in Rule 4 of the Rules on Assignment, including relevant experience and expertise as well as availability at this time,

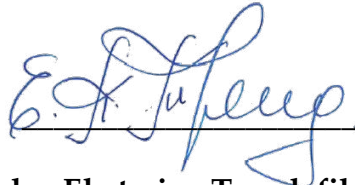
#### **THE PRESIDENT HEREBY ASSIGNS:**

**Judge Michèle Picard**

**Judge Emilio Gatti**

**Judge Nina Jørgensen**

to the Court of Appeals Panel to decide on the Request.



**Judge Ekaterina Trendafilova,  
President of the Specialist Chambers**

Dated this Thursday, 28 October 2021  
At The Hague,  
The Netherlands