



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: **KSC-BC-2020-04**

Before: **A Panel of the Court of Appeals Chamber**
Judge Michèle Picard
Judge Emilio Gatti
Judge Nina Jørgensen

Registrar: Fidelma Donlon

Date: 28 October 2021

Original language: English

Classification: **Public**

Decision on Shala's Request for Variation of Time Limit

Specialist Prosecutor's Office:

Jack Smith

Counsel for Pjetër Shala:

Jean-Louis Gilissen

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 169 of the Rules of Procedure and Evidence (“Rules”), is seised of a request filed by Pjetër Shala (“Request” and “Shala”, respectively)² seeking an extension of the time limit for filing his appeal as of right against the Pre-Trial Judge’s “Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers” (“Appeal” and “Impugned Decision”, respectively).³ Shala requests an extension of ten days for filing the Appeal, the deadline therefore becoming 8 November 2021.⁴

1. Shala submits that good cause exists for granting the time variation.⁵ First, he submits that, despite exercising due diligence, the confluence of five additional crucial deadlines falling between 26 October and 5 November 2021 has meant that “the Defence is under considerable pressure that is caused by a chain of procedural events and delays for which it is not responsible”.⁶ Second, Shala argues that the recent change in the composition of his Defence team affects its ability to be fully operational.⁷ Finally, he submits that the Appeal involves important, complex and novel issues, forming a core part of the Defence case, and that the Specialist Prosecutor’s Office (“SPO”) will not be prejudiced, as it has indicated that it would not oppose the Request.⁸

¹ F00001, Decision Assigning a Court of Appeals Panel to consider a Request for an Extension of Time Limit, 28 October 2021.

² 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 (“Request”).

³ F00088, Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers, 18 October 2021 (“Impugned Decision”).

⁴ Request, paras 3, 12.

⁵ Request, para. 4.

⁶ Request, paras 5-7.

⁷ Request, para. 8.

⁸ Request, paras 9-10.

2. The Panel notes that, pursuant to Rule 170(1) of the Rules, the Parties should normally file any appeal against the Impugned Decision by 29 October 2021.⁹ The Panel recalls, however, that Rule 9(5)(a) of the Rules allows for the variation of any time limit prescribed by the Rules, upon a showing of good cause or *proprio motu*.

3. The Appeals Panel notes the significance and complexity of the issues addressed in the Impugned Decision, as well as their novelty in this case before the Panel. These factors have previously been acknowledged as constituting good cause for varying the time limits of appellate filings, justifying a departure from the time limits specified in the Rules.¹⁰ In this regard, the Panel recalls that it is in the interests of justice to ensure that parties before the Specialist Chambers can file meaningful appellate submissions on matters comparable to those raised in the Impugned Decision.¹¹ The Appeals Panel moreover notes the difficulties posed by the competing deadlines with which Shala's Defence team is currently dealing.¹² The Panel therefore finds, in light of the reasons recalled above, that good cause exists for granting the requested variation of the time limit for the Appeal.

4. The Panel finally recalls that, pursuant to Rule 9(6) of the Rules, motions for the variation of time limits may be disposed of without giving the Parties the opportunity to be heard. In light of the upcoming deadline for filing the Appeal, and given that the SPO has indicated that it would not oppose the Request and so no prejudice will be caused to the Parties, the Panel considers that it is in the interests of justice to dispose of the Request immediately.

⁹ Although issued on 18 October 2021, the Impugned Decision was notified the following day, on 19 October 2021.

¹⁰ KSC-BC-2020-06, F00004, Decision on Thaçi's and Krasniqi's Requests for Variation of Time and Word Limits, 27 October 2021 ("Decision on Variation of Time and Word Limits"), para. 7.

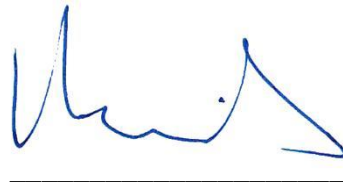
¹¹ Decision on Variation of Time and Word Limits, para. 7.

¹² See e.g. ICC, *Prosecutor v. Ruto and Sang*, ICC-01/09-01/11-1970, Decision on Page and Time Limits for the 'No Case to Answer' Motion, 18 September 2015, para. 20; ICC, *Prosecutor v. Blé Goudé*, ICC-01/11-02/11-02/11-205, Decision on Prosecution request for extension of time and on the response deadline for ICC-02/11-02/11-204, 30 January 2015, paras 7, 9; STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.7, Order by Judge Rapporteur on Request for Extension of Time and Word Limits, 4 April 2014, para. 3.

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

GRANTS the Requests; and

AUTHORISES Shala to file his Appeal no later than 8 November 2021.



**Judge Michèle Picard,
Presiding Judge**

Dated this Thursday, 28 October 2021

At The Hague, the Netherlands