



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: 17 November 2021

Original language: English

Classification: **Public**

Decision on the Parties' Requests for Variation of Time Limits

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 the Specialist Prosecutor’s Office (“Request” and “SPO”, respectively)² seeking an extension of the time limit for filing its response to Pjetër Shala’s appeal (“Response”, “Shala” and “Appeal”, respectively)³ against the Pre-Trial Judge’s “Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers” (“Impugned Decision”).⁴ The SPO requests an extension of ten days for filing the Response, the deadline therefore becoming 29 November 2021.⁵ Shala responded that he does not oppose the Request, and seeks an extension of five days for filing his reply to the Response, the deadline therefore becoming 9 December 2021 (“Response to Request” and “Reply”, respectively).⁶

1. The SPO submits that good cause exists for granting the Request, which is reasonable and proportionate.⁷ It highlights the significance, complexity and novelty of the issues addressed in this case, the need to provide focused and complete submissions thereon, and the overlapping deadlines it faces in this case.⁸ Finally, it

¹ F00004, Decision Assigning a Court of Appeals Panel, 10 November 2021.

² F00005, Prosecution request for extension of time limit, 15 November 2021 (“Request”).

³ F00003, Defence Appeal against Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers, 9 November 2021 (“Appeal”). The Appeals Panel notes that it had granted Shala’s request to extend the deadline for filing the Appeal until 8 November 2021; see F00002, Decision on Shala’s Request for Variation of Time Limit, 28 October 2021 (“Decision Variation Appeal Time Limit”), para. 5. The Appeal was filed on 9 November 2021, a few seconds after midnight. Given the *de minimis* nature of the contravention of the varied deadline, the Appeals Panel recognises the Appeal as validly filed, according to Rule 9(5)(b) of the Rules.

⁴ F00088, Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers, 18 October 2021 (“Impugned Decision”).

⁵ Request, paras 1, 3.

⁶ F00006, Defence Response to Prosecution Request for Extension of Time Limit, 16 November 2021 (“Response to Request”), paras 1-2.

⁷ Request, para. 2.

⁸ Request, para. 2.

submits that the requested extension is proportional to the one granted in respect of the Appeal, that the Defence does not oppose the Request, and that the SPO does not object to a reasonable extension for the time limit to reply to its Response.⁹

2. Shala responds that there is good cause for also extending the time limit for the Reply in light of the importance and complexity of the issues raised in the Appeal and the simultaneous deadlines and procedural obligations he faces.¹⁰ He also recalls that the SPO does not object to varying this time limit.¹¹

3. The Panel notes that, pursuant to Rule 170(1) of the Rules, a response to the Appeal should normally be filed by 19 November 2021. 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*.

4. The Appeals Panel finds that that good cause exists for granting the requested variation of the time limits for the Response and the Reply based on the significance and complexity of the issues addressed in the Impugned Decision, as well as their novelty in this case before the Panel. The Appeals Panel also acknowledges that the Parties are currently facing competing deadlines, and notes that a comparable extension of time was granted in respect of the Appeal.¹²

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

GRANTS the Request and the Response to Request;

⁹ Request, paras 1-3.

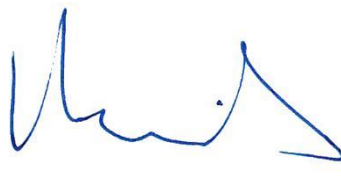
¹⁰ Response to Request, para. 2.

¹¹ Response to Request, para. 2.

¹² Decision Variation Appeal Time Limit, paras 3, 5. The Panel notes that Shala fails to substantiate his assertion that he faces “a number of simultaneous deadlines and procedural obligations”; see Response to Request, para. 2. However, in this instance, the Appeals Panel will overlook this deficiency, *inter alia* in light of the SPO’s lack of opposition to Shala’s time variation request.

AUTHORISES the SPO to file its Response no later than 29 November 2021;
and

AUTHORISES Shala to file his Reply no later than 9 December 2021.



**Judge Michèle Picard,
Presiding Judge**

Dated this Thursday, 17 November 2021

At The Hague, the Netherlands