



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: 20 December 2021

Original language: English

Classification: Public

Decision on Specialist Prosecutor's Office'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 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”,³ respectively) against the Pre-Trial Judge’s “Decision on Motion Challenging the Form of the Indictment”.⁴ The SPO requests an extension of five days for filing the Response, the deadline therefore becoming 10 January 2022.⁵

1. The SPO submits that there is good cause for granting the reasonable and proportionate extension because: (i) the current deadlines for the Appeal and Response fall just before and during the winter recess, respectively; (ii) the SPO has existing case deadlines (giving the example of its pre-trial brief being due in January 2022) requiring work during the recess; and (iii) the novel and complex issues certified for appeal require careful and proper consideration in order to result in focused and complete submissions.⁶

2. The Panel notes that, pursuant to Rule 170(2) of the Rules, the Response should normally be filed ten days after the Appeal is distributed. The Panel recalls, however,

¹ F00001, Decision Assigning a Court of Appeals Panel, 2 December 2021.

² F00003, Prosecution request for extension of time to respond to ‘Defence Request for an Extension of Time to Appeal the ‘Decision on Motion Challenging the Form of the Indictment’, 15 December 2021 (“Request”). Despite the Request’s title, the SPO is not seeking an extension of the time limit to respond to Shala’s request for a time limit extension to file the Appeal, but rather the SPO is seeking a time limit extension to respond to the Appeal itself.

³ F00004, Defence Appeal with Leave against the ‘Decision on Motion Challenging the Form of the Indictment’ (“Appeal”).

⁴ F00089/RED, Public Redacted Version of Decision on Motion Challenging the Form of the Indictment, 18 October 2021.

⁵ Request, para. 1.

⁶ Request, para. 4.

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 that it has already *proprio motu* extended the time limit for filing the Response to 5 January 2022, in line with an analogous extension being granted in respect of the Appeal.⁷ Nevertheless, in the particular circumstances of the present case, and on an exceptional basis in light of the SPO's submissions,⁸ the Panel is of the view that additional time would assist the SPO to prepare meaningful submissions and considers the requested extension to be reasonable. The Panel in particular considers that the requested extension will not impact the overall expeditiousness of the proceedings.

4. Finally, the Panel recalls that, pursuant to Rule 9(6) of the Rules, a motion for variation of time limits may be disposed of without giving the Parties the opportunity to be heard. Given that no prejudice will be caused to the Defence, the Panel considers that it is in the interests of justice to dispose of the Request immediately.

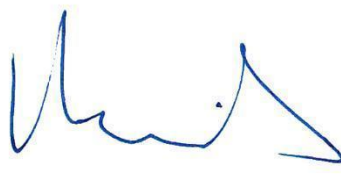
5. For these reasons, the Court of Appeals Panel:

GRANTS the Request; and

⁷ Email of 10 December 2021 from the Court Management Unit to the Parties.

⁸ Response, para. 4.

AUTHORISES the SPO to file its Response no later than 10 January 2022.



**Judge Michèle Picard,
Presiding Judge**

Dated this Monday, 20 December 2021

At The Hague, the Netherlands