



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSC-BC-2020-04/IA006

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

**Registrar:** Fidelma Donlon

**Date:** 8 February 2023

**Original language:** English

**Classification:** Public

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**Decision on Shala Request for Extension of Word Limit**

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**Specialist Prosecutor's Office:**

Alex Whiting

**Counsel for Pjetër Shala:**

Jean-Louis Gilissen

**Counsel for Victims:**

Simon Laws

**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)<sup>1</sup> 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 an appeal filed on 6 February 2023 by Mr Pjetër Shala (“Appeal” and “Shala”, respectively),<sup>2</sup> against the “Public redacted version of Corrected version of Decision concerning prior statements given by Pjetër Shala” (“Impugned Decision”),<sup>3</sup> in which Shala *inter alia* requests an extension of the word limit for filing the Appeal by up to 2,030 words (“Request”).<sup>4</sup>

1. Shala requests the extension of the word limit for filing the Appeal within the first footnote of the Appeal itself. He argues that good cause exists for the requested variation due to the seriousness and complexity of the matters concerned.<sup>5</sup>

2. The Panel notes that Article 46(2) of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers (“Practice Direction”)<sup>6</sup> states that an interlocutory appeal shall not exceed 6,000 words. In addition, Article 36(1) of the Practice Direction states that participants to proceedings may seek, sufficiently in advance, an extension of the word limit upon showing that good cause exists constituting exceptional circumstances.

3. As to the timeliness of the Request, the Panel notes that it was not filed in advance of the Appeal, but rather within the Appeal itself. Shala not only makes no

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<sup>1</sup> IA006/F00001, Decision Assigning a Court of Appeals Panel, 26 January 2023.

<sup>2</sup> IA006/F00002, Defence Appeal Against the “Decision Concerning Prior Statements Given by Pjetër Shala”, 6 February 2023 (“Appeal”).

<sup>3</sup> F00364/COR/RED, Public redacted version of Corrected version of Decision concerning prior statements given by Pjetër Shala, 26 January 2023 (confidential version filed on 6 December 2022, confidential corrected version filed on 8 December 2022) (“Impugned Decision”).

<sup>4</sup> Appeal, fn. 1.

<sup>5</sup> Appeal, fn. 1.

<sup>6</sup> KSC-BD-15, Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, 17 May 2019.

submissions justifying the Request's lateness, but also places the Request within a footnote to the Appeal. As required by the Practice Direction, and in the absence of any decision by the Appeals Panel to the contrary, Shala could and should have requested a variation of the word limit for filing the Appeal sufficiently in advance.<sup>7</sup> The Panel therefore considers the Request to be untimely.

4. Moreover, Shala fails to substantiate his submission that good cause exists for granting the requested word limit extension, which amounts to one third of the applicable word limit. While he refers generically to the "seriousness and complexity of the matters concerned", he fails to explain how, in this particular case, exceptional circumstances exist to justify an oversized filing.<sup>8</sup> The Panel recalls in this regard that the quality and effectiveness of appellate submissions do not depend on their length, but rather on their clarity and cogency and that, therefore, excessively lengthy appellate submissions do not necessarily serve the cause of an efficient administration of justice.<sup>9</sup>

5. In these circumstances, the Appeals Panel considers it appropriate to strike the Appeal in its entirety as invalidly filed, and to provide Shala the opportunity to refile it within the prescribed word limit of no more than 6,000 words.<sup>10</sup>

6. Finally, the Panel recalls that, pursuant to Article 36(2) of the Practice Direction, motions for the variation of word limits may be disposed of without giving the Parties the opportunity to be heard.<sup>11</sup> In light of the importance of ensuring expeditious proceedings on appeal and given that no prejudice will be caused to the Specialist

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<sup>7</sup> See e.g. KSC-CA-2022-01, F00063, Decision on Defence Requests for Variation of Word Limit of Briefs in Reply, 12 October 2022 ("*Gucati and Haradinaj* Appeal Decision on Word Limit Variation"), para. 3.

<sup>8</sup> *Gucati and Haradinaj* Appeal Decision on Word Limit Variation, paras 6-7.

<sup>9</sup> *Gucati and Haradinaj* Appeal Decision on Word Limit Variation, para. 6.

<sup>10</sup> See *Gucati and Haradinaj* Appeal Decision on Word Limit Variation, para. 7.

<sup>11</sup> *Gucati and Haradinaj* Appeal Decision on Word Limit Variation, para. 8.

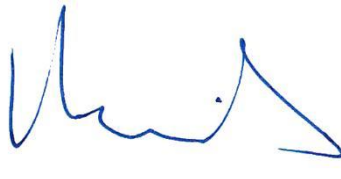
Prosecutor’s Office, the Panel considers that it is in the interests of justice to dispose of the Request immediately.<sup>12</sup>

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

**DENIES** the Request;

**STRIKES** the Appeal; and

**ORDERS** Shala to refile his Appeal in compliance with the word limit of 6,000 words by Monday, 13 February 2023.



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**Judge Michèle Picard,  
Presiding Judge**

Dated this Wednesday, 8 February 2023

At The Hague, the Netherlands

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<sup>12</sup> *Gucati and Haradinaj* Appeal Decision on Word Limit Variation, para. 8.