

**Case No.:** KSC-BC-2020-04  
**Specialist Prosecutor v. Pjetër Shala**

**Before:** **Trial Panel I**  
Judge Mappie Veldt-Foglia, Presiding Judge  
Judge Roland Dekkers  
Judge Gilbert Bitti  
Judge Vladimir Mikula, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Date:** 11 October 2023

**Filing Party:** Specialist Defence Counsel

**Original Language:** English

**Classification:** Public with Confidential Annex I

**THE SPECIALIST PROSECUTOR**

**v.**

**PJETËR SHALA**

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**Defence Submission of Written Questions for Victims' Counsel's Expert Witness  
with Confidential Annex I**

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**Specialist Prosecutor's Office**

Ward Ferdinandusse

**Counsel for Victims**

Simon Laws KC

Maria Radziejowska

**Specialist Defence Counsel**

Jean-Louis Gilissen

Hédi Aouini

Leto Cariolou

1. Pursuant to the Trial Panel's oral order dated 20 September 2023, the Defence for Mr Pjetër Shala ("Defence") hereby files its written questions for the Victims' Counsel's expert witness, Dr Stefan Lerz.<sup>1</sup>
2. On 4 May 2023, the Trial Panel ordered the Victims' Counsel to submit a list of witnesses it proposes to call, including expert witnesses, and all expert reports by 30 June 2023.<sup>2</sup>
3. On 30 June 2023, the Victims' Counsel submitted a report dated 23 June 2023 by Dr Lerz, an expert in calculation of income loss, on the material harm allegedly suffered by the victims participating in the proceedings.<sup>3</sup>
4. On 10 July 2023, the Defence submitted that it does not intend to challenge the expertise of Dr Lerz but does not accept his report and confirmed its intention to cross-examine him.<sup>4</sup>
5. On 12 July 2023, the Defence reiterated that it does not accept the report and wishes to cross-examine Dr Lerz.<sup>5</sup>
6. On 1 September 2023, the Panel ordered that, should the Defence wish to put any questions to Dr Lerz or present objections to the admissibility of his report, it should do so in writing by 15 September 2023.<sup>6</sup>

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<sup>1</sup> T. 20 September 2023 p. 2459.

<sup>2</sup> T. 4 May 2023 pp. 1357, 1358.

<sup>3</sup> KSC-BC-2020-04, F00558, Victims' Counsel's Submissions pursuant to the Order of 4 May 2023 setting further procedural steps for the presentation of evidence by Victims' Counsel with six confidential annexes, 30 June 2023 (confidential), paras. 2, 9, 15, 58(a)(ii). All further references to filings in this submission concern Case No. KSC-BC-2020-04 unless otherwise indicated.

<sup>4</sup> F00578, Defence Notice on Evidence of Victims' Counsel's Expert Witness Pursuant to the Trial Panel's Order of 4 May 2023, 10 July 2023 (confidential), para. 3.

<sup>5</sup> F00585, Defence Response to the Victims' Counsel's Submissions pursuant to the Order of 4 May 2023 setting further procedural steps for the presentation of evidence by Victims' Counsel with six confidential annexes, 12 July 2023 (confidential), para. 8.

<sup>6</sup> F00598, Decision on Victims' Counsel's request to call expert witnesses to testify, 21 July 2023 (confidential), para. 11.

7. On 15 September 2023, the Defence filed the Defence Notice on Evidence of Victims' Counsel's Expert Witness, in which it maintained its objection to the admission of the report of Dr Lerz into evidence and its desire to cross-examine Dr Lerz.<sup>7</sup>
8. On 20 September 2023, the Panel granted the Defence an extension of time to put questions to Dr Lerz in written form and ordered the Defence to provide the questions by 11 October 2023.<sup>8</sup>
9. Pursuant to the order of the Panel,<sup>9</sup> the Defence notifies the Panel that it objects to the admissibility of the report by Dr Lerz and submits its written questions to him, which are attached as Annex I to this submission.
10. Pursuant to Rules 82(3) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, this submission is filed as public as it does not contain any confidential information. Annex I is filed as confidential as it contains confidential information.

**Word count: 532**

Respectfully submitted,



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**Jean-Louis Gilissen**  
**Specialist Defence Counsel**

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<sup>7</sup> F00653, Defence Notice on Evidence of Victims' Counsel's Expert Witness, 15 September 2023, para. 7.

<sup>8</sup> T. 20 September 2023, p. 2459.

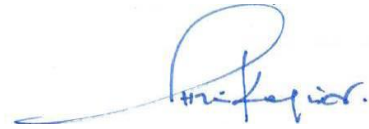
<sup>9</sup> T. 20 September 2023, p. 2459.



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**Hédi Aouini**

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Wednesday, 11 October 2023

The Hague, the Netherlands