

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: 13 November 2023

Filing Party: Specialist Defence Counsel

Original Language: English

Classification: Public

THE SPECIALIST PROSECUTOR
v.
PJETËR SHALA

**Public Redacted Version of Defence Submission of an Expert Report for the
Purposes of the Reparations Proceedings
with Confidential Annex 1**

Specialist Prosecutor's Office:	Specialist Defence Counsel
Kimberly P. West	Jean-Louis Gilissen
	Hédi Aouini
Counsel for Victims	Leto Cariolou
Simon Laws KC	
Maria Radziejowska	

I. INTRODUCTION

1. Pursuant to Rules 138(1) and 149(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), and the Trial Panel’s directions on 31 October 2023 and 8 November 2023,¹ the Defence for Mr Pjetër Shala (“Defence” and “Accused”, respectively) hereby submits the expert report from [REDACTED], an expert witness, for the purposes of the reparations hearings. The Defence requests the Panel to call [REDACTED] to testify.

II. PROCEDURAL BACKGROUND

2. On 9 February 2023, Trial Panel I decided that the reparation proceedings in this case would be conducted concurrently with the trial.²
3. On 20 September 2023, the Defence indicated its intent to submit an expert report for the purposes of the reparations proceedings.³
4. On 31 October 2023, the Trial Panel directed the Defence to submit any expert reports for the purposes of the reparations proceedings by 8 November 2023.⁴
5. On 8 November 2023, the Trial Panel granted the Defence request for a limited extension of time to file the report which is due on 13 November 2023.⁵

III. SUBMISSIONS

6. The Defence requests leave to present an expert report in relation to the calculation of income loss, relevant to V01/4 and V02/04 to V02/08, specifically,

¹ Email from Court Management Unit of the Registry to the parties, 31 October 2023, at 3:44 pm; email from the Court Management Unit of the Registry to the parties, 8 November 2023, at 2:23 pm.

² KSC-BC-2020-04, F00421, Decision on reparation proceedings, 9 February 2023, para. 25.

³ T. 20 September 2023 p. 2457, line 1 to p. 2458, line 21.

⁴ Email from Court Management Unit of the Registry to the parties, 31 October 2023, at 3:44 pm.

⁵ Email from the Court Management Unit of the Registry to the parties, 8 November 2023, at 2:23 pm.

a report by [REDACTED], a certified court expert in the calculation of income loss in court claim cases.

7. The report from [REDACTED] dated [REDACTED] (“[REDACTED] Report”), which is attached in Annex 1 to these submissions, was authored by [REDACTED]. [REDACTED]’s CV was disclosed as ERN DPS01564-DPS01565 in Disclosure Package 162 on 22 September 2023 and submitted to the Panel on 22 September 2023.
8. The [REDACTED] Report directly responds to Dr. Lerz’s Report, tendered by the Victims’ Counsel, and demonstrates an alternate calculation of the total damage sustained by V01/04 and V2/04 to V2/08. The report further offers insights into the methodology employed in Dr. Lerz’s Report, and the impact of such methodology on the relevance and accuracy of Dr. Lerz’s Report.
9. The [REDACTED] Report meets the relevance criteria of Rule 138 of the Rules. It was drafted by a certified court expert in the calculation of income loss in court claim cases based in [REDACTED], and considers the methodology employed in Dr. Lerz’s Report as well as the legal framework applicable in the territory of the Republic of Kosovo. Specifically, the [REDACTED] Report includes details not considered in Dr. Lerz’s Report, including, *inter alia*, the effects of the rebuilding period after the war, personal site visits to relevant establishments, the economic impact of the COVID-19 pandemic, and the operations of the Kosovo Pension Savings Trust Fund and its specific application to individuals on disability benefits. The admission of the [REDACTED] Report would thus support the Panel in more accurately assessing the scope of any material damages sustained by V01/04 and V2/04 to V2/08 as a result of the incidents that form the subject of this trial.

IV. CLASSIFICATION

10. Pursuant to Rule 82(3) and 82(4) of the Rules, these submissions are filed as confidential as they relate to confidential filings. The Defence will file a public redacted version of these submissions in due course.

V. RELIEF REQUESTED

11. For the above reasons, the Defence respectfully submits, pursuant to Rule 149 of the Rules, the [REDACTED] Report for the purpose of assessing the material harm allegedly sustained by V01/4 and V2/04 to V2/08 in this case.

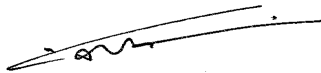
12. The Defence reiterates its request and submissions made on requesting the Panel to allow [REDACTED] to present [REDACTED] evidence live in court.

Word count: 688

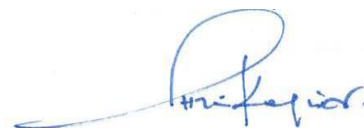
Respectfully submitted,



Jean-Louis Gilissen
Specialist Defence Counsel



Hédi Aouini
Defence Co-Counsel



Leto Cariolou
Defence Co-Counsel

Monday, 13 November 2023

The Hague, the Netherlands