

In: KSC-BC-2020-04
The 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

Filing Participant: Victims' Counsel

Date: 27 November 2023

Language: English

Classification: Public Redacted with confidential annex 1

**Public Redacted Version of Victims' Counsel's questions for Defence expert with
confidential annex 1**

Specialist Prosecutor's Office
Kimberly P. West

Counsel for the Accused
Jean-Louis Gilissen

Counsel for Victims
Simon Laws

I. INTRODUCTION

1. Pursuant to the Trial Panel's instruction of 8 November 2023,¹ Article 22(6) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 114(4)(a) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), Victim's Counsel submits his questions to the Defence expert, [REDACTED], in relation to the expert report filed on 13 November 2023 in relation to reparation proceedings in this case ("Defence Expert Report").²

II. CLASSIFICATION

2. This submission contains no confidential information and is filed publicly. The annex contains information that may identify victims participating in the proceedings ("VPPs"), and is therefore filed confidentially.

III. PROCEDURAL HISTORY

3. On 30 June 2023, Victims' Counsel submitted an expert report prepared by Dr Lerz which provided an estimate calculation of the income loss of Victims Participating in the Proceedings ("VPPs").³
4. On 13 November 2023, the Defence submitted its own expert report prepared by [REDACTED] ("Defence Expert Report").⁴ On 23 November 2023, the Defence

¹ *Prosecutor v. Pjetër Shala*, KSC-BC-2020-04, Email from Trial Panel I to Defence Counsel and Victims' Counsel, 8 November 2023 at 14:23 ("Should Victims' Counsel wish to put any questions to [REDACTED] or present any objections to the admissibility of [REDACTED] report, he is directed to do so, in writing, by Monday, 27 November 2023").

² KSC-BC-2020-04/F00716, Defence Submission of an Expert Report for the Purpose of the Reparations Proceedings with Confidential Annex 1, 13 November 2023; KSC-BC-2020-04/F00716/A01, Annex 1 to Defence Submission of an Expert Report for the Purposes of the Reparations Proceedings, Profit loss calculation report and opinion regarding Victim V01/04 and Victims V2/04 to V2/08 ("Defence Expert Report").

³ KSC-BC-2020-04/F00558/A04, 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, Annex four: Calculation of material damage and economic loss in two cases, 23 June 2023.

⁴ KSC-BC-2020-04/F00716, Defence Submission of an Expert Report for the Purpose of the Reparations Proceedings with Confidential Annex 1, 13 November 2023; KSC-BC-2020-04/F00716/A01, Annex 1 to

sought to amend its witness and exhibit list to include [REDACTED]'s expert report.⁵

IV. SUBMISSIONS

5. As a result of its errors and lack of clarity, Victims' Counsel submits that the Defence Expert Report is of low probative value but does not currently object to its admission. He also notes that the Defence Expert Report concerns, in part, non-material damages which is a topic beyond the proper scope of either expert report and has no relevance to the assessment of material harm.
6. Victims' Counsel's questions to [REDACTED] in relation to [REDACTED] report are contained in confidential annex 1.
7. Victims' Counsel also raises concerns related to what may be a lack of regard for the protective measures assigned to the VPPs in this case.⁶ It is unclear whether a request to vary the protective measures assigned to VPPs was made in order to provide information to [REDACTED]. It is also unclear whether [REDACTED] is aware of the protective measures assigned to VPPs in this case and whether those measures [REDACTED].

V. RELIEF

8. Victims' Counsel respectfully submits his questions for transmission to [REDACTED] and requests that the protective measures assigned to the concerned VPPs are respected.

Word count: 612

Defence Submission of an Expert Report for the Purposes of the Reparations Proceedings, Profit loss calculation report and opinion regarding Victim V01/04 and Victims V2/04 to V2/08 ("Defence Expert Report").

⁵ KSC-BC-2020-04/F00725, Defence Request to Amend its Witness and Exhibit Lists with Confidential Annex I, 23 November 2023.

⁶ See annex 1, question 20.



Simon Laws KC
Counsel for Victims



Maria Radziejowska
Co-Counsel for Victims

27 November 2023

At The Hague, the Netherlands.