



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

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: Fidelma Donlon

Date: 28 March 2024

Language: English

Classification: **Public**

Decision on the agenda for the closing statements and related matters

To be notified to:

Specialist Prosecutor

Kimberly P. West

Counsel for the Accused

Jean-Louis Gilissen

Victims' Counsel

Simon Laws

TRIAL PANEL I (Panel) hereby renders this decision on the agenda for the closing statements and related matters.

I. PROCEDURAL BACKGROUND

1. On 9 February 2024, the Panel closed the evidentiary proceedings in the present case and decided that the hearing for the closing statements shall take place between 15 and 19 April 2024.¹

2. On 25 and 26 March 2024, the Parties and Victims' Counsel made submissions on the estimated time needed for their respective closing statements.² On 26 March 2024, the Defence for Pjetër Shala (Defence and Accused, respectively) further informed the Panel that the Accused wished to speak at the closing statements, for approximately 10 to 15 minutes, after hearing all oral submissions in the case.³

II. APPLICABLE LAW

3. The Panel notes Article 40(2) and (6)(g) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law) and Rules 116(1) and 135 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules).

¹ KSC-BC-2020-04, F00795, Trial Panel I, *Decision on the Defence motion for a crime site visit, closing the evidentiary proceedings and giving directions on final briefs, request for reparations and closing statements* (Decision closing the evidentiary proceedings), 9 February 2024, confidential, para. 52(j). A public redacted version was issued on 20 February 2024, [F00795/RED](#).

² KSC-BC-2020-04, F00816, Victims' Counsel, *Victims' Counsel's Submission of his time estimate for closing statement*, 25 March 2024, public; F00817, Specialist Prosecutor, *Prosecution submission of time estimates for closing statements*, 25 March 2024, public; F00820, Defence, *Defence Submissions on the Estimated Time Sought for its Closing Statement*, 26 March 2024, public.

³ KSC-BC-2020-04, F00822, Defence, *Defence Notification of the Wish of Mr Shala to Speak Last at the Closing Statements*, 26 March 2024, public.

III. DETERMINATION

A. AGENDA

4. Having taken note of the Parties' and Victims' Counsel's submissions, the Panel allocates the following time for their closing statements, as requested:

- a) Specialist Prosecutor's Office (SPO): 5 hours, 30 minutes (5 hours to address issues concerning the guilt or innocence of the Accused and 30 minutes for matters related to sentencing);
- b) Victims' Counsel: 1 hour, 15 minutes (45 minutes for matters related to the guilt or innocence of the Accused, 15 minutes for sentencing, and 15 minutes for reparations); and
- c) Defence: 3 hours, 45 minutes (3 hours to address issues related to the guilt or innocence of the Accused, 30 minutes for sentencing and reparations, and 15 minutes for the Accused to exercise his right to speak last, under Rule 135(4) of the Rules).

5. In light of the above, the Panel sets the following agenda for the closing statements:

- a) **Monday, 15 April 2024:** SPO closing statement (4 hours, 30 minutes);
- b) **Tuesday, 16 April 2024:**
 - i. Continuation of SPO closing statement (1 hour);
 - ii. Victims' Counsel closing statement on the guilt or innocence of the Accused and on sentencing (1 hour);
 - iii. Defence closing statement on the guilt or innocence of the Accused and on sentencing (2 hours, 30 minutes);

c) **Wednesday, 17 April 2024:**

- i. Continuation of Defence closing statement on the guilt or innocence of the Accused and on sentencing (45 minutes);
- ii. Responses of the SPO (45 minutes) and Victims' Counsel (45 minutes) to the submissions made by the Defence on the guilt or innocence of the Accused and on sentencing;
- iii. Comments of the Defence to the responses of the SPO and Victims' Counsel, if any (45 minutes);
- iv. Questions from the Panel, if any (1 hour);
- v. Victims' Counsel closing statement on reparations (15 minutes);
- vi. Defence closing statement on reparations (15 minutes);

d) **Thursday, 18 April 2024** (notwithstanding the below, Victims' Counsel, the Defence and the Accused should be ready to proceed on Wednesday, 17 April 2024, if the time permits it):

- i. Victims' Counsel's response to the Defence submissions on reparations (15 minutes);
- ii. Comments of the Defence to Victims' Counsel's response on reparations (15 minutes);
- iii. Questions from the Panel, if any (30 minutes);
- iv. The Accused (15 minutes); and
- v. Closing of the case, pursuant to Rule 136 of the Rules.

6. The above schedule is without prejudice to any changes to be made by the Panel during the hearing, either *proprio motu* or at the request of the Parties or Victims' Counsel.

B. INSTRUCTIONS

7. The Panel reminds the Parties and Victims' Counsel that they should not repeat during their closing statements submissions already made in the Final Trial Briefs, Impact Statement, or request for reparations and related response, and shall focus instead on issues not yet addressed or on responding to the arguments made by the other Parties and participants.⁴

8. Noting the Accused's wish to speak during the closing statements and mindful of the Panel's duty to manage the proceedings efficiently and expeditiously, the Panel instructs the Accused to be prepared to speak as soon as the Parties and Victims' Counsel have completed their submissions.⁵ To the same end, and with a view to maintaining order in the course of the hearing, in accordance with Article 40(6)(g) of the Law, the Panel considers that the Accused's physical presence in the courtroom is necessary for him to exercise his right under Rule 135(4) of the Rules. Accordingly, the Panel orders the Accused to be physically present in the courtroom, at the seat of the Specialist Chambers, on both **Wednesday, 17 April 2024** and, if necessary, also **Thursday, 18 April 2024**. The Panel directs the Defence to confirm, *via* email, by **Wednesday, 10 April 2024**, that the Accused will be present in the courtroom as ordered.

9. Lastly, the Panel recalls that political statements or offensive remarks about the Parties, participants, witnesses or victims will not be permitted or tolerated.

10. The present decision is without prejudice to the Panel's determination on the Defence "Request for Leave to Appeal and/or Reconsideration of the 'Decision on the Defence Request for Leave to Reopen its Case'".⁶

⁴ [Decision closing the evidentiary proceedings](#), para. 49.

⁵ See also para. 5(d) above.

⁶ KSC-BC-2020-04, F00823, Defence, *Request for Leave to Appeal and/or Reconsideration of the "Decision on the Defence Request for Leave to Reopen its Case"*, 26 March 2024, confidential.

IV. DISPOSITION

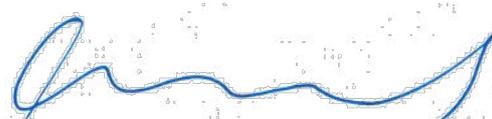
11. For the above-mentioned reasons, the Panel hereby:
- a. **SETS** the agenda for the closing statements as specified in the present decision; and
 - b. **ORDERS** the Parties, Victims' Counsel and the Accused to comply with the Panel's directions as set out in the present decision.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Thursday, 28 March 2024

At The Hague, the Netherlands.