

1 Tuesday, 16 July 2024

2 [Open session]

3 [Pronouncement of Trial Judgment]

4 [The accused entered the courtroom]

5 --- Upon commencing at 2.00 p.m.

6 PRESIDING JUDGE VELDT-FOGLIA: Good afternoon and welcome.

7 Before we start, I would like to give the photographers the
8 possibility to take some pictures. Please proceed.

9 Very well. Thank you.

10 Madam Court Officer, can you please call the case.

11 THE COURT OFFICER: Good afternoon, Your Honours. This is case
12 KSC-BC-2020-04, The Specialist Prosecutor versus Pjeter Shala.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 First of all, I will call the appearances.

15 Mr. Prosecutor, could you tell us who is present for the
16 Specialist Prosecutor's Office?

17 MR. DE MINICIS: Yes. Good afternoon, Your Honours. Good
18 afternoon, everyone in and outside the courtroom. For the Specialist
19 Prosecutor's Office, we have the Specialist Prosecutor,
20 Kimberly West; Julie Mann, our Case Manager; and then Eva Wyler,
21 Gaia Pergolo, and Filippo de Minicis.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 Victims' Counsel, you have the floor.

24 MR. LAWS: Good afternoon, Your Honours. I am Simon Laws,
25 counsel for the victims in this case, together with my co-counsel,

1 Maria Radziejowska.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

3 Defence counsel, your turn.

4 MR. GILISSEN: Good afternoon, Your Honour. So we are here with
5 Mr. Pjeter Shala who is appearing as you ordered. I am Mr. Gilissen,
6 legal counsel of Mr. Shala. We are here with Mr. Aouini,
7 Mrs. Leto Cariolou, the co-counsel; Ms. Dzeneta Petravica, our Case
8 Manager; Ms. Kailin Chen, associate legal officer; Juliette Healy,
9 assistant legal officer; Judit Kolbe, assistant legal officer; and
10 Ms. Alana Goncalves, legal assistant. Thank you for this
11 opportunity. Thank you very much.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 And now I turn to the Registry, please.

14 MR. NILSSON: Good afternoon, Your Honours. Good afternoon,
15 colleagues. Jonas Nilsson, Deputy Registrar for the Registry today.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Trial Panel I will render today the trial judgment in the case
18 of the Specialist Prosecutor versus Pjeter Shala. The Panel is
19 composed of Judges Roland Dekkers, Gilbert Bitti, Vladimir Mikula, as
20 Reserve Judge, and myself, Mappie Veldt-Foglia, the Presiding Judge.

21 The judgment is pronounced in public, in the name of the people
22 of Kosovo, and in the presence of Mr. Shala, the accused.

23 This case concerns the acts and conduct of the accused
24 Pjeter Shala in the time period between approximately 17 May 1999 and
25 5 June 1999.

1 Today's judgment is the second judgment of this tribunal that
2 addresses the commission of war crimes. It contributes to delivering
3 justice for victims and promotes accountability for serious
4 violations of international humanitarian and criminal law within the
5 jurisdiction of the Specialist Chambers.

6 In the following, I will read out a summary of the central
7 findings made by the Panel. This summary is not part of the trial
8 judgment, which is the only authoritative document containing the
9 Panel's rulings and findings. The judgment will be notified at the
10 end of today's hearing, and this summary will also be available on
11 the web site of the Specialist Chambers.

12 The present case concerns war crimes committed at the former
13 metalworks factory in the town of Kukes, Albania, between
14 approximately 17 May 1999 and 5 June 1999. Throughout the time
15 relevant to the charges, the Kukes metal factory, to which I will
16 refer as KMF, served as a headquarters for the Kosovo Liberation
17 Army, the KLA, and was used for a variety of purposes, including
18 recruitment, mobilisation, and logistics.

19 The Panel has received credible, consistent, and mutually
20 corroborative evidence during the course of this trial from multiple
21 witnesses that the KMF was also used by certain KLA members to
22 detain, interrogate, and mistreat persons who were perceived to
23 collaborate with, be associated with, or sympathise with the Serbian
24 authorities, or who were considered to be not sufficiently supportive
25 of the KLA effort.

1 The total number of detainees who were held at the KMF during
2 the time relevant to the charges is unknown, but it is estimated to
3 be around 40 people, including at least three female detainees. The
4 Panel was able to identify 18 persons who were detained at the KMF
5 during the relevant period.

6 The Panel conducted this trial against a backdrop of a
7 persistent climate of witness intimidation. This climate has had a
8 visible impact, albeit to different degrees, on the evidence provided
9 by some of the witnesses who appeared before the Panel. That being
10 said, it is worth highlighting that the Panel has received several
11 first-hand accounts of witnesses in the course of this trial about
12 the traumatic events they experienced during their detention at the
13 KMF and the continuous physical and psychological impact these events
14 have had on their lives and on the lives of their family members.

15 The victims were predominantly Kosovar Albanians having suffered
16 at the hands of other Kosovar Albanians. Their accounts were
17 graphic, detailed, and compelling. Some of these witnesses are also
18 participating victims in this case. Witnesses also spoke about their
19 search for justice over the past 25 years. To quote one of them:

20 "[I]f ... the rule of law had existed [in Kosovo] ... this would
21 have been sorted out ... But who -- who could do that? No one would
22 [dare] take the case file and deal with it there."

23 In the following, I will briefly recall the charges and then
24 summarise the Panel's findings in the trial judgment with regard to
25 the accused Mr. Shala.

1 I start with the charges.

2 Mr. Shala is a Belgian national, born on 17 November 1963, in
3 Prizren, Kosovo. He is also known by his nickname "Ujku," which
4 means "Wolf" in English.

5 The SPO charged Mr. Shala with four counts of war crimes under
6 various forms of criminal responsibility, pursuant to Articles
7 14(1)(c) and 16(1)(a) of the Law on the Specialist Chambers and
8 Specialist Prosecutor's Office.

9 The war crimes charged are arbitrary detention, cruel treatment,
10 and torture of at least nine persons and the murder of one person,
11 committed between approximately 17 May and 5 June 1999 at the KMF.

12 Mr. Shala pleaded not guilty on all counts.

13 Let me turn to Mr. Shala's background and position.

14 Mr. Shala was a KLA member both before and throughout the time
15 relevant to the charges. He first joined the KLA in March 1998 and
16 was soon after appointed as a commander or officer to the KLA
17 military police in Jabllanice. He remained with the KLA until
18 sometime in the summer of 1998, when he left Kosovo for Belgium.

19 Mr. Shala rejoined the KLA in Albania, in Kukes, at the end of
20 March 1999 and remained with the KLA until some time in June, July
21 1999, after the end of the armed conflict. Throughout the period
22 relevant to the charges, Mr. Shala was physically present at the KMF
23 on several occasions. He came to and left the KMF very often and
24 without restrictions. While he did not have a particular rank or
25 official position there, he enjoyed a certain degree of autonomy.

1 I will now turn to the Panel's findings in relation to the
2 crimes charged in the Confirmed Indictment.

3 I start with Count 1, arbitrary detention.

4 Based on the evidence, the Panel has found that at least 18
5 identified persons were deprived of their liberty by KLA members at
6 the KMF between approximately 17 May and 5 June 1999. The evidence
7 shows that individuals were apprehended and detained on vague
8 allegations of being traitors or collaborators of the Serbian
9 authorities, sympathising with Serbia, or not being sufficiently
10 supportive of the KLA effort, be it financially, militarily, or
11 politically.

12 The circumstances of arrest for a number of these individuals
13 suggests that investigations about their whereabouts were made ahead
14 of time. Detainees were arrested at their place of residence, on the
15 street, upon arrival in Albania from abroad, at refugee camps, or
16 wherever they had found shelter after being expelled from Kosovo.

17 Detainees were either taken by cars or small buses directly to
18 the KMF or taken first to other temporary locations, detention
19 locations in northern Albania, and later transferred to the KMF.
20 These search, arrests and transfers of these detainees to the KMF
21 must have required a significant degree of organisation, logistics,
22 and manpower.

23 Members of the KLA military police were prominently involved in
24 the apprehension and transfer of detainees to the KMF alongside other
25 KLA members. Mr. Shala was directly involved in the transfer of one

1 of the detainees to the KMF.

2 The detainees were brought to the KMF and released on an ongoing
3 basis. Some were held at the KMF for a few days while others were
4 held for up to a month.

5 At no point during their detention were any of the detained
6 persons provided with the basic guarantees to which they were
7 entitled pursuant to international humanitarian law. Specifically,
8 they were not properly informed of the reasons for their deprivation
9 of liberty, were not brought promptly before a judge or other
10 competent authority, and were not provided with an opportunity to
11 challenge the lawfulness of their detention.

12 To the contrary, throughout their detention, as I will elaborate
13 shortly, a number of detainees were seriously mistreated by KLA
14 members, including by Mr. Shala. Some detainees were subjected to
15 forced confessions, and one of them was killed.

16 I now turn to Counts 2 and 3, which are cruel treatment and
17 torture, respectively.

18 Based on the evidence, the Panel has further found that at least
19 18 identified detainees, who were deprived of their liberty at the
20 KMF, were held in inhumane and degrading conditions throughout the
21 time relevant to the charges. The detainees were kept in small rooms
22 with no beds, with up to 13 detainees in one room. They were
23 prevented from sleeping by KLA members who harassed them or entered
24 their room during the night to mistreat them. They were not provided
25 with sufficient or adequate food and water.

1 One witness recalled that sometimes two detainees shared a
2 boiled egg. Other times, they received no food at all.

3 The detainees were not allowed to wash themselves or change
4 their clothes. They had to ask for permission to use the toilets,
5 which were poorly maintained. The detainees were escorted to the
6 toilets, and they were sometimes harassed on their way. Witnesses
7 stated that the conditions of detention, and I quote, "were such that
8 even animals or cattle would not stay there."

9 The detainees were not provided with sufficient medical care or
10 were denied medical care altogether.

11 Furthermore, the detainees were not allowed to talk to each
12 other, which only reinforced their fear and anxiety.

13 The detainees were also subjected to harsh interrogations, most
14 often during the night. The detainees were questioned about their
15 jobs, their whereabouts prior to and during the war, their
16 relationship with Serbs, and their knowledge of Serb collaborators.
17 They were also personally accused of being Serb collaborators, spies,
18 traitors, murderers, or rapists. Some were forced to provide written
19 statements and confessions.

20 The interrogations were done by different KLA members, including
21 Mr. Shala, Sabit Geci, and Xhemshit Krasniqi. Mr. Shala was present
22 also when other KLA members interrogated detainees.

23 In addition to the inhumane and degrading conditions of
24 detention and the harsh interrogations, the Panel has found, based on
25 the evidence, that the detainees were physically and psychologically

1 abused by several KLA members on a daily basis. They were beaten
2 throughout the night until the early hours of the morning, forced to
3 slap and hit one another, forced to pretend to have sexual
4 intercourse with each other, and forced to provide manual labour.
5 The detainees were also forced to witness and to listen to the
6 psychological abuse of their co-detainees. They were harassed and
7 threatened with violence or death. And as a result, they lived in
8 constant fear and felt that they could be subjected to physical abuse
9 at any time or even be killed.

10 "We were counting the minutes when we will die," one of them
11 recalled, testifying to the atmosphere of terror and the unsafety
12 they felt.

13 During interrogations, KLA members subjected some of the
14 detainees to particularly brutal beatings and other forms of
15 mistreatment. KLA members beat the detainees with batons and
16 baseball bats all over their bodies. They kicked them, punched them,
17 cut them with knives, burned them with cigarettes, and threw salt on
18 their wounds. Some of the detainees were also shot. The
19 mistreatment left them bruised, covered in blood, unable to stand, or
20 even unconscious.

21 One witness recalled, and I quote:

22 "I don't know how many times I actually fainted. They poured
23 water over my face to bring me back, whereas afterwards I fainted
24 again. And this continued the whole night."

25 The beatings were carried out by multiple KLA members, including

1 Mr. Shala, Sabit Geci, and Xhemshit Krasniqi. The KLA members took
2 turns in beating the detainees. One witness described the
3 coordination amongst them as follows, and I quote:

4 "While someone was beating me, I had to answer someone else's
5 question, and when I answered him, another one would say why I was
6 not answering the question ... I never had a chance to finish an
7 answer before someone else would ask me another and beat me."

8 The physical and psychological mistreatment, coupled with the
9 inhumane conditions of detention, left the detainees with
10 long-lasting injuries, both physical and mental: head injuries, burn
11 injuries, broken limbs and teeth, persistent and severe pain
12 throughout their bodies, feeling of shame, fear - for example, to go
13 to work or to go outside unaccompanied - feelings of unsafety in
14 relation to themselves or their families, and post-traumatic stress
15 disorder, which includes symptoms such as nightmares, flashbacks, and
16 intrusive memories.

17 Lastly, I move to Count 4, murder.

18 The Panel has found, based on the evidence, that on or about
19 4 June one of the detainees, the murder victim, was severely
20 mistreated by a group of KLA members, including Mr. Shala and
21 Xhemshit Krasniqi, and was shot in the leg by the latter. Mr. Shala
22 participated in mistreating the murder victim both before and after
23 he was shot.

24 The mistreatment and shooting left the murder victim bruised all
25 over his body. He was unable to walk or to urinate, and was bleeding

1 profusely from the gunshot wounds in his leg due to the total
2 destruction of an artery. A doctor advised that he be taken to the
3 Kukes hospital. Otherwise, he would not survive. However, one of
4 the KLA members in charge of the detainees at the KMF did not allow
5 for his transfer and stated, and I quote:

6 "We did not maltreat him to this point to send him to the
7 hospital then."

8 The murder victim, after being in a terrible agony, died the
9 next day, on or about 5 June 1999, while still in detention at the
10 KMF, as a consequence of the gunshot wounds combined with the denial
11 of appropriate medical treatment.

12 Before moving to Shala's participation in the crimes, I will say
13 a few words regarding the existence of an armed conflict in the
14 context of which the crimes were committed and the perpetrator's
15 awareness of this conflict.

16 The Panel has found that the crimes charged were committed in
17 the context of a non-international armed conflict between the KLA and
18 Serbian forces. Mr. Shala and the KLA members at the KMF were aware
19 of the circumstances establishing the non-international armed
20 conflict. They were equally aware of the status of the victims as
21 persons not taking active part in the hostilities, given that they
22 were deprived of their liberty at the KMF.

23 I will now turn to Mr. Shala's participation in the commission
24 of the crimes charged.

25 The Panel has found, based on the evidence, that Mr. Shala

1 participated, together with other KLA members, in the transfer under
2 guard of one of the detainees to the KMF.

3 He also participated in the interrogation and mistreatment of
4 several detainees on two separate occasions, together with other KLA
5 members, including Sabit Geci and Xhemshit Krasniqi.

6 Mr. Shala was the first to hit some of the detainees. Witnesses
7 specifically recalled his brutality. One of the detainees stated
8 that Mr. Shala beat him with a baseball bat and a rubber baton all
9 over his body, including his head, and as he was beating him,
10 Mr. Shala accused him of being a spy. Mr. Shala also ordered
11 detainees to beat each other, revealing that he had a certain degree
12 of authority when it came to the mistreatment of detainees at the
13 KMF. Further, he questioned one detainee with the goal of obtaining
14 a confession.

15 At one point during the detention of a witness, Mr. Shala also
16 told the witness, and I quote:

17 "We're going to kill you. We're going to execute you."

18 Mr. Shala's personal participation in the transfer of one
19 detainee to the KMF and his repeated participation in the
20 interrogation and mistreatment of detainees, coupled with the
21 knowledge that the detainees were held at the KMF, demonstrates that
22 he participated in intentionally depriving these persons of their
23 liberty, and he knew that no basic guarantees were afforded to them
24 for the duration of their respective detentions.

25 In addition, Mr. Shala had no reasonable grounds to believe that

1 security concerns made the detention of these individuals absolutely
2 necessary. For example, Mr. Shala was in the room when accusations
3 were levied against some detainees, including the murder victim,
4 while they were being beaten. He even personally made accusations
5 against some of the detainees. He was, therefore, fully aware that
6 those individuals were not held at the KMF on specific charges and
7 that security concerns did not make their detention absolutely
8 necessary.

9 Mr. Shala's personal participation in the interrogation and
10 mistreatment of several detainees further demonstrates that he
11 intentionally inflicted severe pain or suffering on the detainees for
12 the purposes of obtaining information or a confession, punishing,
13 intimidating, coercing, and/or discriminating against the detainees
14 or political grounds.

15 The Panel has also found that Mr. Shala possessed the intent to
16 kill. This is demonstrated by a number of factors, including the
17 manner in which he beat the detainees, such as hitting them on the
18 head with a baseball bat and a rubber baton; the fact that he
19 expletive told one of the detainees, and I quote, "We're going to
20 kill you. We're going to execute you"; and the fact that he was
21 present when other KLA members struck detainees with guns and even
22 shot them as in the case of the murder victim; the fact that he
23 witnessed the extreme violence inflicted upon the detainees and saw
24 that they were bleeding, including from the head, were unable to
25 walk, and were rendered unconscious; and Mr. Shala continued to

1 participate in the mistreatments of detainees, including the murder
2 victim, even after the murder victim was shot and bleeding heavily.

3 I will now turn to the Panel's legal findings.

4 The Panel finds that each of the constitutive elements of the
5 war crimes of arbitrary detention, Count 1; torture, Count 3; and
6 murder, Count 4, are met.

7 As to the war crime of cruel treatment, Count 2, the Panel notes
8 that the facts underlying the charge of cruel treatment are identical
9 to the facts underlying the charge of torture. Considering that
10 torture is the more specific offence, the charge of cruel treatment
11 is fully consumed by the charge of torture. Accordingly, the Panel
12 has not further considered this charge.

13 Turning to the nature of the accused's participation in these
14 crimes and the mode of criminal liability, the Panel finds Mr. Shala
15 to be individually criminally responsible for the war crimes of
16 arbitrary detention, torture, and murder as part of a joint criminal
17 enterprise in its basic form.

18 The members of this joint criminal enterprise, which included
19 Xhemshit Krasniqi, other members of the KLA military police,
20 Sabit Geci, and other KLA members, had a common purpose to
21 arbitrarily detain, interrogate, torture, and murder detainees at the
22 KMF who were perceived to collaborate with, be associated with, or
23 sympathise with the Serbian authorities or those who were considered
24 to be not sufficiently supportive to the KLA effort.

25 Through his participation in the transfer, interrogation, and

1 mistreatment of the detainees at the KMF, Mr. Shala made a
2 significant contribution to furthering this common purpose.

3 Mr. Shala shared the intent to commit the war crimes of
4 arbitrary detention, torture, and murder with the other members of
5 the joint criminal enterprise.

6 Therefore, based on the evidence as a whole, the Panel finds
7 beyond reasonable doubt that Mr. Shala is guilty, pursuant to
8 Articles 14(1)(c) and 16(1)(a) of the Law, under Counts 1, 3, and 4
9 of the Confirmed Indictment, for having committed the following
10 crimes:

11 (i) arbitrary detention as a war crime, Count 1, against at
12 least 18 persons between approximately 17 May 1999 and 5 June at the
13 Kukes metal factory;

14 (ii) torture as a war crime, Count 3, against at least 18
15 persons between approximately 17 May 1999 and 5 June 1999 at the
16 Kukes metal factory; and

17 (iii) murder as a war crime, Count 4, against one person on or
18 about 5 June 1999 at the Kukes metal factory.

19 I will now turn to the sentencing.

20 Before pronouncing the verdict and the sentence, I will briefly
21 summarise the purpose of sentencing and the factors considered by the
22 Panel to determine the appropriate sentence for the crimes of which
23 Mr. Shala is criminally responsible.

24 The Panel recalls that retribution and deterrence constitutes
25 the primary purposes for sentencing an individual who has been

1 convicted for a crime.

2 Moreover, the Panel underlines the importance of bringing to
3 justice the perpetrators of those serious crimes of concern to the
4 international community as a whole in order to end impunity, even
5 decades after the events concerned, and notwithstanding a prevalent
6 and long-standing climate of witness intimidation in Kosovo.

7 The punishment must also reflect the call for justice from
8 persons who have directly or indirectly been victims of the crimes.
9 And another important purpose of sentencing is the acknowledgement of
10 the harm and suffering caused to these victims and to society as a
11 whole.

12 In addition, the purpose of the sentence imposed by the Panel is
13 to make it abundantly clear that rules of international humanitarian
14 law have to be obeyed under all circumstances and in all places.

15 Lastly, the Panel considers that the implementation of the
16 principle of equality before the law also constitutes a purpose of
17 sentencing in the case at hand.

18 To put the Panel's assessment in perspective, I recall what the
19 parties have requested. The Specialist Prosecutor requested that a
20 single sentence of 28 years' imprisonment be imposed upon Mr. Shala
21 as this sum of years reflected the totality of his criminal conduct.
22 The Defence submitted that, in case of conviction, the sentence must
23 be fair and proportionate, carrying a certain humanising message.
24 Victims' Counsel did not request a particular sentence for each
25 charge but argued that such sentence would have to be a very

1 substantial one.

2 Mr. Shala, please. It's not your time now to talk.

3 In determining the sentence, the Panel has considered the
4 following factors: The gravity of the crimes ...

5 [Specialist Counsel and Accused confer]

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence counsel.

7 The gravity of the crimes and their consequences; the convicted
8 person's personal contribution to the crimes; the individual
9 circumstances of the convicted person; and mitigating and aggravating
10 circumstances related to those factors, if any exist.

11 As to the gravity of the crimes, the Panel considered that
12 arbitrary detention is grave in nature because it exposes victims to
13 additional human rights violations. Torture represents an assault on
14 the human dignity, security, and mental and physical well-being. And
15 murder is inherently one of the most serious crimes, as the protected
16 value is human life.

17 In the present case, at least 18 persons were held in inhumane
18 and degrading conditions of detention at the KMF. They were
19 routinely physically and psychologically assaulted, and they lived in
20 constant fear that they could be subjected to physical abuse at any
21 time or even be killed. They were forced to witness and listen to
22 the physical abuse of co-detainees, and they saw their co-detainees
23 covered in blood and having bruises, swollen limbs, and broken teeth.
24 The murder victim died while still in detention at the KMF as a
25 result of being shot and subsequently being denied appropriate

1 medical treatment. And the other detainees were forced to witness
2 his terrible agony before he died.

3 As to the consequences of the crimes, the Panel observes that,
4 as a result of the arbitrary detention and torture, the victims
5 suffered long-lasting consequences from both physical and mental
6 injuries, as I set out earlier. In addition, some victims lost the
7 ability to earn a living, to provide for their family, or regain
8 financial independence. The Panel has also considered the impact of
9 the murder victim's death on those who witnessed his mistreatment and
10 death and the effect it had on his family members.

11 The Panel further considered two aggravating circumstances:
12 Namely that the torture was committed with particular cruelty, and
13 that the victims were particularly vulnerable or defenceless.

14 For these reasons, the Panel assessed the gravity of the crimes
15 as high.

16 As to Mr. Shala's personal contribution to the crimes, the Panel
17 notes that Mr. Shala played an active role within the group of KLA
18 members who arbitrarily detained, tortured, and murdered the
19 detainees at the KMF. He had a degree of autonomy and authority
20 within the KLA at the KMF without, however, holding a commanding
21 role.

22 In addition, the Panel recalls that Mr. Shala personally and
23 intentionally mistreated some detainees at the KMF.

24 Accordingly, the Panel assesses the degree of Mr. Shala's
25 personal participation and intent with regard to the crimes under

1 consideration as high.

2 Lastly, as to Mr. Shala's individual circumstances.

3 While the Panel acknowledged that Mr. Shala experienced
4 conflict-related difficulties, it attaches little weight to these
5 circumstances, and the Panel has not identified any other individual
6 circumstance that warrants reducing his sentence.

7 And this completes the summary of the Panel's findings. And I
8 will now pronounce the verdict.

9 Mr. Shala, please stand.

10 In the name of the people of Kosovo, and for the reasons set out
11 in the judgment and summarised earlier, and having considered all of
12 the evidence and the arguments of the parties and Victims' Counsel,
13 the Panel, pursuant to Articles 43 and 44 of the Law and Rules 158,
14 159, and 163 of the Rules, finds you, Mr. Pjeter Shala, guilty of the
15 following crimes:

16 Count 1, arbitrary detention as a war crime, under Articles
17 14(1)(c) and Article 16(1)(a) of the Law, as part of a joint criminal
18 enterprise in its basic form;

19 Count 3, torture as a war crime, under Article 13(1)(c)(i) and
20 Article 16(1)(a) of the Law, as part of a joint criminal enterprise
21 in its basic form; and

22 Count 4, murder as a war crime, pursuant to Article 14(1)(c)(i)
23 of the Law and 16(1)(a) of the Law, as part of a joint criminal
24 enterprise in its basic form.

25 The Panel finds you not guilty of the war crime of cruel

1 treatment under Count 2.

2 And I will now pronounce the sentence.

3 Mr. Shala, given that you have been found guilty of more than
4 one crime, the Panel has determined an individual sentence for each
5 crime on which a conviction has been entered pursuant to Rule 163(4)
6 of the rules.

7 I will, thus, first set out these individual sentences, and then
8 I will pronounce a single sentence for the totality of your criminal
9 conduct.

10 The Panel has determined the following sentences: A term of six
11 years of imprisonment for the war crimes of arbitrary detention, this
12 is Count 1; a term of 16 years of imprisonment for the war crimes of
13 torture, Count 3; and a term of 18 years of imprisonment for the war
14 crime of murder.

15 The Panel sentences you to a single sentence of 18 years of
16 imprisonment, with credit for the time served.

17 Mr. Shala, you may be seated.

18 THE ACCUSED: [Microphone not activated].

19 [Interpretation] More, more.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, it's not your time to
21 talk.

22 THE ACCUSED: [Microphone not activated].

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, you are not allowed to
24 talk. Nobody is hearing you.

25 THE ACCUSED: [Microphone not activated].

1 PRESIDING JUDGE VELDT-FOGLIA: Nobody is hearing you.

2 MR. GILISSEN: May I, Your Honour? May I?

3 THE ACCUSED: [Microphone not activated].

4 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, it would be my
5 suggestion that you go to your client and that you talk to him. I am
6 overriding him so in the public gallery they are not hearing him.
7 Please.

8 MR. GILISSEN: [Microphone not activated].

9 [Specialist Counsel and Accused confer]

10 [Trial Panel and Court Officer confers]

11 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel --

12 MR. GILISSEN: Thank you very much.

13 PRESIDING JUDGE VELDT-FOGLIA: -- you have the floor.

14 MR. GILISSEN: Thank you very much.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you for talking to your
16 client and calming him down.

17 The Registry shall now distribute the confidential version of
18 the trial judgment in electronic form.

19 THE COURT OFFICER: Thank you, Your Honour. The confidential
20 version of the trial judgment, with filing number F00847, has now
21 been distributed to the authorised recipients.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.

23 A certified copy of the English version will be provided to
24 Mr. Shala as soon as possible today. The Albanian version shall be
25 served on Mr. Shala once it is ready. And on this matter, the

1 parties and Victims' Counsel are invited to liaise with the Registry
2 if the need arises.

3 We will, as a Panel, issue a public redacted version for the
4 public in due course.

5 And, finally, the Panel recalls that it retains jurisdiction in
6 this case for the purposes of issuing in due course a Reparation
7 Order specifying appropriate reparations to, or in respect of, the
8 victims, in accordance with Article 22(8) and 44(6) of the Law.

9 The Court stands adjourned.

10 --- Whereupon the hearing adjourned at 2.49 p.m.

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