

1 Friday, 29 November 2024

2 [Open session]

3 [Reparation Order]

4 [Pjeter Shala not present]

5 --- Upon commencing at 11.00 a.m.

6 PRESIDING JUDGE VELDT-FOGLIA: Good morning. Welcome.

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

8 THE COURT OFFICER: Good morning, Your Honours. This is file  
9 KSC-BC-2020-04, The Specialist Prosecutor versus Pjeter Shala.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 First of all, I will call appearances. I will start with  
12 Victims' Counsel. Please, could you tell us who is present for the  
13 Victims?

14 MR. LAWS: Good morning, Your Honours. I'm Simon Laws, counsel  
15 for the victims in this case, together with my co-counsel,  
16 Maria Radziejowska.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Now I turn to the Defence. Defence counsel, could you tell us  
19 who is present for the Defence?

20 MR. GILISSEN: Thank you very much. Good morning, Your Honours.  
21 I am Mr. Gilissen. Mr. Shala is not with us as you are aware. We  
22 are here with Mr. Aouini, co-counsel, and Ms. Petravica, our Case  
23 Manager. Thank you very much.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 And for the record, as stated, Mr. Shala is not present in the

1 courtroom.

2 Mr. Prosecutor, you have the floor.

3 MR. DE MINICIS: Good morning, Your Honours. For the SPO, the  
4 Deputy Specialist Prosecutor, Ward Ferdinandusse, and  
5 Filippo de Minicis, myself.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 And then I turn to the Registry. You have the floor, please.

8 THE REGISTRAR: Good morning, Your Honours. Fidelma Donlon,  
9 Registrar, joined by Jonas Nilsson, Deputy Registrar, and  
10 Tadeja Novinc, the head of the Victims Participation Office.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 And also for the record, you are appearing before Trial Panel I  
13 which is composed of Judge Dekkers, Judge Bitti, Judge Mikula as  
14 Reserve Judge, and myself, Judge Veldt-Foglia as Presiding Judge.

15 Trial Panel 1 will deliver today the Reparation Order in the  
16 case of The Specialist Prosecutor versus Pjeter Shala. A summary of  
17 this Reparation Order is pronounced in public. Judge Bitti has acted  
18 as Judge Rapporteur for this Reparation Order.

19 While we read a summary of the key findings made by the Panel,  
20 this summary is not part of the Reparation Order, which is the only  
21 authoritative account of the Panel's rulings and findings. The  
22 non-authoritative summary will be available on the web site of the  
23 Specialist Chambers.

24 At the outset, the Panel notes that this is the second  
25 Reparation Order issued by the Specialist Chambers. The Panel takes

1 this opportunity to reiterate that reparations are an integral part  
2 of the proceedings before the Specialist Chambers. They are  
3 essential for the delivery of justice to victims of serious  
4 violations of human rights and international humanitarian law.

5 This Reparation Order arises from the conviction of  
6 Mr. Pjeter Shala on 16 July 2024. I recall in this regard that  
7 Mr. Shala was found guilty by this Panel of three counts of war  
8 crimes - namely, arbitrary detention, torture, and murder - which he  
9 committed as part of a joint criminal enterprise between  
10 approximately 17 May 1999 and 5 June 1999 at the Kukes metal factory,  
11 hereinafter referred to as KMF, which was a former metal works  
12 factory in Kukes, Albania. Mr. Shala was sentenced to 18 years of  
13 imprisonment, with credit for the time served since 16 March 2021.

14 I recall that the victims participating in the proceedings in  
15 this case benefitted from the protective measures; namely, that their  
16 names and any identifying information be withheld from the public.  
17 Accordingly, in the course of this hearing, when referring to the  
18 victims, I will use their assigned victim code. The Panel has also  
19 carefully reviewed any additional information that can be disclosed  
20 in public by balancing the need to protect the victims with the  
21 principle of the publicity of proceedings.

22 I will now begin with a summary of the Reparation Order. I will  
23 give a short overview of the proceedings.

24 On 9 February 2023, the Panel decided that reparation  
25 proceedings shall be conducted concurrently with criminal proceedings

1 in the present case and that, in case of a conviction, it would not  
2 refer victims to civil litigation in Kosovo courts, but issue a  
3 Reparation Order itself.

4 On 4 March 2024, Victims' Counsel submitted a request for  
5 reparations on behalf of eight victims admitted to participate in the  
6 trial proceedings.

7 For a complete overview of the applicable law and the  
8 principles, I refer to the public version of the Reparation Order.  
9 For the purpose of this summary, I would like to highlight the  
10 following.

11 The Panel emphasises that the objective of reparations at the  
12 Specialist Chambers is not solely to punish the convicted person as  
13 foreseen in Article 44(6) of the Law, but to acknowledge and to  
14 repair, to the extent possible, the harm caused to the victims.

15 Accordingly, victims should receive reasonable, appropriate, and  
16 prompt reparations.

17 Moving to the principles applicable to the liability of a  
18 convicted person for reparations, the Panel determined that the  
19 Reparation Order cannot go beyond the crimes of which the convicted  
20 person was held liable, and it must be issued in all circumstances  
21 against the convicted person.

22 The responsibility of other persons, organisations, or State  
23 responsibility is irrelevant in determining the convicted person's  
24 liability for reparations.

25 Likewise, the convicted person's indigence is irrelevant to this

1 determination.

2 Let me address briefly the Panel's approach concerning the  
3 assessment of the evidence presented by the victims for the purpose  
4 of reparations.

5 First and foremost, the Panel relied on the factual and legal  
6 findings made in the Trial Judgment which led to the conviction and  
7 sentencing of Mr. Shala.

8 The Panel also considered, *inter alia*, the Victims' Counsel  
9 reparation request, the impact statement, and expert report submitted  
10 by Victims' Counsel and Defence counsel pertaining to the harm  
11 suffered by the victims.

12 Before moving to the Reparation Order against Mr. Shala, let me  
13 summarise the Panel's findings in relation to the scope and extent of  
14 harm suffered by the participating victims in this case in accordance  
15 with Article 22(7) of the Law.

16 I will start with the Victims' Counsel and the Defence  
17 submissions.

18 Victims' Counsel claims that Victim 01 suffered physical,  
19 mental, and material harm as a result of the war crimes of arbitrary  
20 detention, torture, and murder committed by Mr. Shala.

21 He further contends that Victims 02, 03, 04, 05, 06, 07, and 08  
22 all suffered long-lasting mental harm as well as material harm as a  
23 result of the war crimes of arbitrary arrest and torture committed by  
24 Mr. Shala against their family member with whom they had a close  
25 relationship.

1 In response, the Defence argues that Victims' Counsel failed to  
2 identify the scope and extent of the physical harm suffered by Victim  
3 01, and how the physical and mental harm suffered by Victim 01 was a  
4 direct result of the crimes for which Mr. Shala has been convicted.

5 With regard to Victims 02 till 08, the Defence also argues that  
6 Victims' Counsel failed to provide proof to the requisite standard of  
7 the material harm.

8 More broadly, the Defence argues that the physical and mental  
9 harm suffered by the victims was not directly caused by the crimes  
10 for which Mr. Shala was convicted, as the acts causing the harm were  
11 not carried out by Mr. Shala. Consequently, according to the  
12 Defence, Mr. Shala cannot be held responsible to repair the material  
13 harm suffered by the victims. The Defence therefore requests the  
14 Panel to reject Victims' Counsel's reparations request and to reject  
15 issuing a Reparation Order.

16 Let me turn to the Panel's findings.

17 I will briefly outline the Panel's findings for each victim.

18 I will begin with Victim 01, the direct victim.

19 At the outset, the Panel relies on the findings made in the  
20 Trial Judgment establishing that Victim 01 was arbitrarily detained  
21 and tortured at the KMF by Mr. Shala and other members of the Kosovo  
22 Liberation Army, and I will hereinafter refer to KLA, and suffered  
23 physical, mental, and material harm as a result thereof.

24 As to the physical harm suffered by Victim 01, the Panel  
25 considers that this victim was severely mistreated throughout his

1 time in detention. He was subjected to routine beatings, harassment,  
2 and humiliation by members of the KLA, including Mr. Shala. He was  
3 also held in inhumane and degrading conditions. While in detention,  
4 Victim 01 was hit, *inter alia*, with metal bars, baseball bats, rubber  
5 batons, and, on at least one occasion, with a gun. He was mistreated  
6 for hours on end. His head was held underwater several times, and  
7 salt was repeatedly rubbed on his wounds. As a result of his  
8 detention and severe mistreatment, he sustained multiple injuries,  
9 including to his head. To this day, he has visible scars on his body  
10 from the abuse he suffered. He continues to experience pain in his  
11 ribs and bones, and he suffers from headaches.

12 As to mental harm, the Panel considers that when he was detained  
13 at the KMF, Victim 01 was not informed of the reasons for his  
14 deprivation of liberty. He did not know for how long his detention  
15 would last nor did he have access to his family or to the outside  
16 world. While detained at the KMF, Victim 01 could hear his  
17 co-detainees being severely mistreated and saw the injuries inflicted  
18 on them. This caused immense psychological strain.

19 Until today, Victim 01 displays symptoms of severe  
20 post-traumatic stress disorder. He fears for his safety and that of  
21 his family, and he is constantly on watch.

22 In addition, as part of the mental harm he suffered, the Panel  
23 observes that Victim 01 was labelled by his captors as a  
24 "collaborator" with the Serbian authorities and a "spy." Victim 01  
25 described suffering profound hurt, confusion, and betrayal from being

1 stigmatised this way.

2 As to the material harm suffered by Victim 01, the Panel finds  
3 that Victim 01's post-traumatic stress disorder symptoms were so  
4 severe that they made it impossible for him to conduct his life as he  
5 would have before the events and to provide for himself and his  
6 family. The Panel is persuaded that the crimes for which Mr. Shala  
7 was convicted and the social stigma they entailed contributed to  
8 Victim 01's loss of opportunities and inability to regain his  
9 financial independence and provide for his family.

10 In light of the above, the Panel finds that Victim 01  
11 experienced physical, mental, and material harm, with long-lasting  
12 consequences, as a result of the war crimes of arbitrary detention,  
13 torture, and murder of which Mr. Shala was convicted.

14 Moving on to Victims 02 till 08.

15 The Panel finds that Victims 02 till 08 suffered harm as  
16 indirect victims of crimes of arbitrary detention and torture of  
17 which Mr. Shala was convicted with regard to W04733. Victims 02 till  
18 08 were family members of W04733 and will be referred to henceforth  
19 as indirect victims.

20 I will first set out the findings with regard to W04733, in  
21 relation to whom his family members claim harm.

22 The Panel recalls that in the Trial Judgment, it is established  
23 beyond a reasonable doubt that W04733 was arbitrarily detained and  
24 mistreated at the KMF by members of the KLA, including Mr. Shala.  
25 Like other detainees, W04733 was kept in inhumane and degrading



1 conditions of detention. W04733 was brutally and repeatedly beaten,  
2 including by Mr. Shala. As a consequence of the mistreatment, W04733  
3 suffered multiple injuries and scars, including burn marks on his  
4 chest and shoulder, an injured elbow and broken teeth.

5 The Panel further notes that, like other detainees, W04733  
6 experienced a climate of fear and brutality at the KMF. He was made  
7 to witness the suffering and humiliation of other detainees,  
8 including by Mr. Shala, while also being beaten and humiliated in  
9 their presence. He was also repeatedly interrogated and accused of  
10 collaborating with Serbian authorities. This had profound  
11 long-lasting consequences on his well-being. W04733 reported  
12 experiencing nightmares and living constantly under stress. He  
13 became irritable. He was also fearful and constantly on watch,  
14 including fearing to even visit a doctor, despite the serious  
15 injuries he had sustained at the KMF.

16 The Panel observes that the impact of W04733's arbitrary  
17 detention and mistreatment on his physical and mental health had a  
18 devastating effect on his family, the indirect victims.

19 In terms of mental harm, the indirect victims described  
20 suffering fear and anxiety from not knowing where their close  
21 relative was in the immediate aftermath of his arrest. They also  
22 described their distress at seeing W04733 in the mental and physical  
23 state that he was upon his release. The family also suffered  
24 mentally from the long-term impact of the detention and mistreatment  
25 on W04733's physical and psychological state. They had to learn to

1 live with the change in W04733's personality and behaviour, as well  
2 as the manifestations of his trauma.

3 Three of W04733's sons described their father as being  
4 "destroyed," "aggressive," "not the one I used to know before," and  
5 "broken." In her own words, Victim 03 conveyed that the crimes  
6 committed against W04733 affected "the health of the entire family  
7 because we were also traumatised, used therapies, medicine."

8 Lastly, the allegations made against W04733 by members of the  
9 KLA contributed to the stigma cast on the family as well. As a  
10 result, the family felt unsafe as they were afraid that more harm  
11 would come their way.

12 In terms of material harm, the Panel first recalls that as a  
13 result of his arbitrary detention and mistreatment at the KMF, W04733  
14 was no longer able to provide for his family upon his return. As a  
15 result, the family was deprived of their main breadwinner.

16 In addition, the Panel observes that the indirect victims  
17 incurred certain costs with regard to the medical care provided to  
18 W04733 to address the physical injuries he suffered at the KMF, as  
19 well as his declining health over the years.

20 Lastly, the Panel notes that, as a result of the crimes  
21 committed against W04733 at the KMF and the attached stigma, the  
22 family lived in fear for their safety and, as a consequence, made  
23 choices and decisions which limited their future prospects.

24 Taking all of the above into account, the Panel concludes that  
25 Victims 02 till 08 suffered both mental and material harm, with

1 long-lasting consequences, as a result of the war crimes of arbitrary  
2 detention and torture for which Mr. Shala was convicted with regard  
3 to W04733.

4 This concludes the Panel's findings as to the scope and extent  
5 of the harm suffered by the victims and brings me to the Reparation  
6 Order against Mr. Shala.

7 This Reparation Order is made directly against Mr. Shala. The  
8 beneficiaries of reparations are the Victims 01 till 08.

9 Concerning the types and modalities of reparations, the Panel  
10 determines as follows.

11 In its determination, the Panel notes that the conviction and  
12 sentencing in the Trial Judgment constitute already a form of remedy  
13 in the form of an acknowledgement for the eight victims. Reparations  
14 also give the opportunity to the victims to demand and receive  
15 justice for crimes against them or a family member committed more  
16 than two decades ago. Lastly, it contributes to the right for the  
17 victims, their families, and their communities to have access to the  
18 truth.

19 For reasons set out in the Reparation Order, the Panel  
20 determines that compensation for each of the eight victims  
21 constitutes the most appropriate type of reparations in this case.  
22 In the view of the Panel, compensation will provide some measure of  
23 financial relief to the victims.

24 I will now address the scope of Mr. Shala's liability for  
25 reparations, and I will start with Victims' Counsel's requests.

1           Victims' Counsel's request with respect to Victim 01, €10.000  
2           for physical harm, €30.000 for mental harm, and €60.000 for material  
3           harm.

4           In respect of Victim 03, Victims' Counsel requests €10.000 for  
5           mental harm.

6           In respect of Victims 02, 04, 05, 06, 07, and 08, he requests  
7           €8.000 per person for mental harm.

8           Lastly, Victims' Counsel requests that a total sum of €50.000 be  
9           awarded collectively to the indirect victims 02, 03, 04, 05, 06, 07,  
10          and 08 for material harm.

11          Let me move on to the determination of the scope of Mr. Shala's  
12          liability for reparations.

13          First, Mr. Shala is liable to repair the harm caused to all  
14          direct and indirect victims of crimes of which he was convicted.  
15          This is regardless of the mode of liability relied on in the  
16          conviction and regardless of whether other persons may have also  
17          contributed to the harm.

18          Second, the Panel must set out an amount for each type of harm  
19          and also the overall amount of Mr. Shala's financial liability that  
20          it considers reasonable in accordance with Article 22(3) of the Law.

21          Moreover, in setting the amount of Mr. Shala's financial  
22          liability, the Panel considers the scope and extent of harm suffered  
23          by the eight victims and the Victims' Counsel reparation request.  
24          The Panel also takes into consideration relevant Kosovo legislation.  
25          This legislation regulates the rights and benefits to which different

1 categories of persons affected by the armed conflict in Kosovo  
2 between 1998 and 1999 are entitled. These include veterans and  
3 civilians who were harmed during the armed conflict, those who  
4 participated in the war effort, and family members of deceased or  
5 missing KLA members and civilians. The Panel considers this  
6 legislation as a reference point in order to set a reparation award  
7 that it deems reasonable in the context of Kosovo.

8 The Panel also notes the Kosovo guidelines on setting the  
9 guiding criteria in amounts of just monetary compensation for  
10 immaterial damage, hereinafter referred to as Kosovo guidelines,  
11 referred to both by Victims' Counsel and the Defence. The Panel  
12 notes that the Kosovo guidelines are intended to provide guidance in  
13 civil litigation cases before Kosovo courts, and as such do not  
14 directly apply in reparation proceedings related to war crimes and  
15 crimes against humanity cases before the Specialist Chambers. The  
16 Panel therefore considers them relevant only insofar as they provide  
17 useful monetary estimates for the harm suffered in the current  
18 economic context in Kosovo.

19 The Panel further considers the expert reports submitted by  
20 Victims' Counsel and the Defence regarding material harm.  
21 Hereinafter referred to as Victims' Counsel Expert Report and Defence  
22 Expert Report, respectively.

23 The Panel notes that Victims' Counsel Expert Report provided  
24 estimations of the material harm suffered by Victim 01 and indirect  
25 Victims 02 till 08 as a result of the crimes committed by Mr. Shala

1 against Victim 01 and W04733, respectively. Such estimates  
2 demonstrate the extent of individual material harm suffered by the  
3 victims as would have been done in regular injury/compensation  
4 proceedings. They also largely surpass the individual reparation  
5 awards requested by Victims' Counsel. The Panel finds that, as the  
6 figures in this report are only indicative, it may take them into  
7 account but is not bound by them when determining the reparation  
8 award.

9 The Panel does not rely on the estimates provided in the Defence  
10 Expert Report as that report suffers a number of major deficiencies  
11 affecting the scope and validity of its findings.

12 Ultimately, considering the aforementioned findings, the Panel  
13 finds that the sum requested by Victims' Counsel both reflect the  
14 scope and extent of the harm suffered by the eight victims and are  
15 reasonable as foreseen in Article 22(3) of the Law.

16 Taking all the aforementioned considerations into account,  
17 bearing in mind the scope and extent of the harm suffered by the  
18 direct and the indirect victims, and resolving uncertainties in  
19 favour of the convicted person, the Panel sets the total reparation  
20 award for which Mr. Shala is liable at €208.000.

21 Accordingly, Mr. Shala is ordered to pay, as compensation for  
22 the harm inflicted:

23 €100.000 to Victim 01;

24 €10.000 to Victim 03;

25 €8.000 per person to Victims 02, 04, 05, 06, 07, and 08; and

1 €50.000 collectively to Victims 02, 03, 04, 05, 06, 07, and 08.

2 This concludes the Panel's determination of the financial  
3 liability of Mr. Shala for reparations.

4 The last part of the Reparation Order concerns its  
5 implementation and execution.

6 We start with the monitoring and oversight. The Panel notes  
7 that its jurisdiction in this case ceases with the issuance of the  
8 Reparation Order. As a result, the Panel invites the President of  
9 the Specialist Chambers to assign a Single Judge in charge of  
10 monitoring and overseeing the implementation and execution of this  
11 Reparation Order.

12 Now we turn to the funding of the Reparation Order. First, by  
13 the convicted person.

14 As to the execution of the Reparation Order, the Panel recalls  
15 that the responsibility to pay the compensation awarded by the Panel  
16 to the victims lies exclusively with Mr. Shala. The Panel notes,  
17 however, that at the time of issuance of the Reparation Order, the  
18 Panel has no indication that Mr. Shala would be in a position to  
19 fully compensate the reparation award.

20 In light of this circumstance, the Panel will discuss which  
21 other actors ought to step in to execute the Reparation Order.

22 By Kosovo. The Panel observes that the first of such actors is  
23 Kosovo. The Panel recalls that in the context of the Mustafa  
24 proceedings, the Kosovo Ministry of Justice already informed the  
25 Panel that victims of crimes under the jurisdiction of the Specialist

1 Chambers may be awarded compensation or restitution from the victims  
2 compensation programme, which was established pursuant to the Law on  
3 Crime Victim Participation. This compensation programme may be  
4 triggered when it is established that the convicted person is unable  
5 to pay the award, in whole or in part.

6 In order to preserve the anonymity of eight victims requesting  
7 reparations in the present proceedings before the Specialist Chamber  
8 and to ensure their protection, the Panel orders that the Registrar,  
9 in coordination with Victims' Counsel, seeks compensation from the  
10 Crime Victim Compensation Programme on behalf of the eight victims.  
11 The Panel considers that, in case of need, the Single Judge assigned  
12 with monitoring and overseeing the implementation and execution of  
13 this Reparation Order may certify that the eight victims, on behalf  
14 of whom the Registrar and Victims' Counsel may apply to the Crime  
15 Victim Compensation Commission, are indeed the ones awarded  
16 compensation by this Reparation Order.

17 The Panel also observes that other means of execution need to be  
18 envisaged to fully execute the Reparation Order, considering that  
19 there is a maximum sum per victim which can be awarded by the Crime  
20 Victim Participation Programme which falls below the sum awarded in  
21 this Reparation Order.

22 I will now turn to another means of execution, namely the  
23 establishment of a new reparation mechanism in Kosovo.

24 The Panel takes notice of the fact that Kosovo has still not  
25 taken any concrete steps to prepare for the need to ensure



1 reparations for victims of crimes under jurisdiction of the  
2 Specialist Chambers. And the Panel also notes that, in contrast,  
3 Kosovo foresaw the need to financially support the defence of  
4 suspects and accused before the Specialist Chambers and continues to  
5 provide substantial support.

6 The Panel also observes that legislation in Kosovo, which  
7 addresses harm and injuries suffered in the context of the armed  
8 conflict in Kosovo in 1998, 1999, refers exclusively to the victims  
9 of the enemy forces, i.e. the Serb forces, and not to all victims  
10 during the armed conflict in Kosovo. In the view of the Panel, these  
11 laws create a discrimination between the victims of this armed  
12 conflict.

13 The Panel observes that although it has no power to order Kosovo  
14 to pay the compensation awarded to the eight victims, it nevertheless  
15 finds it important to - once again - remind Kosovo of its obligations  
16 pertaining to the victims' right to an effective remedy as enshrined  
17 in Article 54 of the Constitution and under international treaties.  
18 This right comprises a duty to ensure that such a remedy is  
19 enforceable.

20 Accordingly, the Panel again urges Kosovo to enact the necessary  
21 laws and to establish a reparation mechanism for the purpose of fully  
22 compensating victims of crimes under the jurisdiction of the  
23 Specialist Chambers. In the view of the Panel, this would ensure,  
24 within the legal system of Kosovo, equal treatment between the  
25 victims and the suspects or accused before the Specialist Chambers.

1           The Panel also underlines that, when establishing such a  
2           reparation mechanism, consideration should be given to fund it  
3           through the budget of Kosovo. The Panel recalls that the defence of  
4           suspects and accused before the Specialist Chambers is also financed  
5           through this budget. And in the view of the Panel, this equal use of  
6           the budget of Kosovo would promote the mandate of the Specialist  
7           Chambers pursuant to Article 1(2) of the Law, as upheld by Kosovo and  
8           Member States of the European Union, together with other contributing  
9           countries financially supporting its work.

10           In this regard, the Panel notes that the European Commission has  
11           recently underlined that, and I quote:

12           "Kosovo has put in place a fund that dispenses legal aid to the  
13           accused at the Specialist Chambers, as well as financial support to  
14           their families, without any proof of financial needs. However, no  
15           financial support has so far been made available for victims who have  
16           been found by the Kosovo Specialist Chambers to have suffered as a  
17           result of war crimes and crimes against humanity. The Kosovo  
18           Specialist Chambers has issued the first Reparation Order to victims.  
19           It is therefore not clear how the victims will be compensated in the  
20           absence of funds from the accused or a fund by Kosovo for this  
21           purpose. It is key that Kosovo addresses this inequality of  
22           treatment."

23           Having said that, the Panel stresses that if victims of crimes  
24           under the jurisdiction of the Specialist Chambers cannot enforce  
25           their right to reparations, this right would become meaningless.

1           In this regard, the Panel recalls that, in the context of the  
2   Mustafa proceedings, it recommended the establishment of a trust  
3   fund, at the initiative of the Specialist Chambers and to be  
4   administered by the Registrar, for the benefit of victims of crimes  
5   under the jurisdiction of the Specialist Chambers. Such a fund ought  
6   to be financially supported above all by Kosovo, taking into  
7   consideration its obligations toward victims as specified earlier, as  
8   well as other States and donors wishing to support victims.

9           The Panel further notes that there is, at present, a possibility  
10   for the Specialist Chambers to receive non-earmarked voluntary  
11   donations for the purpose of contributing to the payment of  
12   reparations awarded to victims by a final Reparation Order issued by  
13   the Specialist Chambers. A dedicated e-mail account for inquiries  
14   specifically with regard to such voluntary contributions is provided  
15   in the text of the Reparation Order.

16           However, the Panel underlines that the existence of such a  
17   possibility through the Specialist Chambers does not relieve in any  
18   way Mr. Shala from his obligation to compensate the eight victims in  
19   accordance with this Reparation Order, and Kosovo from upholding its  
20   obligations towards victims in a reasonable time through the  
21   establishment of a reparation mechanism as mentioned above.

22           Accordingly, for the reasons summarised above, the Panel hereby:  
23   Issues a Reparation Order against Mr. Shala.

24           It finds that Victims 01, 02, 03, 04, 05, 06, 07, and 08 have  
25   shown to the standard of proof of balance of probabilities that they

1 are victims of the crimes for which Mr. Shala was convicted.

2 It decides to award reparations to the aforementioned victims.

3 It awards individual reparations in the form of compensation  
4 for, respectively, his physical, mental, and material harm to  
5 Victim 01, and individual and collective reparations in the form of  
6 compensation to Victims 02, 03, 04, 05, 06, 07, and 08 for,  
7 respectively, their mental and material harm.

8 The Panel sets the reparation award for which Mr. Shala is  
9 liable at €208.000.

10 It orders Mr. Shala to pay, as compensation for the harm  
11 inflicted:

12 €100.000 to Victim 01 for physical and mental harm;

13 €8.000 per person to Victim 02, 04, 05, 06, 07, and 08 for  
14 mental harm;

15 €10.000 to Victim 03 for mental harm; and

16 €50.000 collectively to Victims 02, 03, 04, 05, 06, 07, and 08  
17 for material harm.

18 The Panel declares Mr. Shala indigent at this stage for the  
19 purpose of the enforcement of this Reparation Order.

20 The Panel orders the Registrar to take the necessary steps to  
21 implement this Reparation Order.

22 It invites the President of the Specialist Chambers to designate  
23 a Single Judge in charge of monitoring and overseeing the  
24 implementation and the execution of this Reparation Order.

25 It invites Kosovo to establish a new reparation mechanism for

1 victims of crimes under the jurisdiction of the Specialist Chambers  
2 in order to correct the current inequalities in the Kosovo legal  
3 system as described in this Reparation Order.

4 And it orders the Registrar to transmit the present Reparation  
5 Order in its public redacted form to the Government of Kosovo.

6 And this concludes the summary of the Reparation Order.

7 The Registry shall now serve the Reparation Order in electronic  
8 form, and Mr. Shala will be served with a certified copy in the  
9 detention facilities in English. The Albanian version will be served  
10 on Mr. Shala as soon as it is ready.

11 Today's Reparation Order may be appealed in conformity with the  
12 Law and the Rules of Procedure and Evidence before the Specialist  
13 Chambers.

14 The Panel thanks the parties for their attendance and  
15 participation and the Registry staff from the different units for all  
16 their assistance throughout the period of these proceedings.

17 The Panel also conveys its thanks to the public in the public  
18 gallery who watched the issuance of the Reparation Order and to those  
19 who followed via streaming in Kosovo or elsewhere.

20 The Court stands adjourned.

21 --- Whereupon the hearing adjourned at 11.42 a.m.

22

23

24

25