

## Judgment in the case of Prosecutor versus Pjeter Shala

The trial panel<sup>1</sup> of the Kosovo Specialist Chambers (KSC), presided over by Judge Mappie Veld-Foglia, on July 16, 2024, announced the judgment in the case of *Prosecutor versus Pjetër Shala*. Pjeter Shala was found guilty of war crimes against the civilian population. He was sentenced to eighteen (18) years of imprisonment for arbitrary detention, torture, and unlawful killing, and was acquitted of the charges of cruel treatment as a war crime.

The Humanitarian Law Center Kosovo (HLCK) has been monitoring this judicial process, however, at this stage it will be reserved from commenting on the first-instance judgment due to a lack of access to all the evidence administered during the main trial. Many of the witnesses proposed by the prosecution were heard in closed sessions, where the HLCK monitors had no access. During the monitoring of trials for war crimes, it was observed that the name of the defendant was brought up as a suspect and co-perpetrator in two other judicial proceedings, specifically in the case of *the Prosecutor versus Sabit Geci and others* and in the case of *the Prosecutor versus Xhemshit Krasniqi*, which took place in Kosovo courts, where prosecutors of the EULEX mission filed the indictments. In these two proceedings, the court imposed sentences of five (5) to fifteen (15) years of imprisonment.

### Facts and Charges<sup>2</sup>

Shala, as a member of the Kosovo Liberation Army (KLA), was charged that he together with some other KLA members, arbitrarily arrested/detained at least eighteen (18) people in the metal factory in Kukës, Albania, between May 17 and June 5, 1999. According to the Court's findings, detainees were interrogated and regularly abused psychologically and physically and lived in a constant state of fear that they could be subjected to physical abuse at any moment or even be killed. One of the detainees, after being wounded by a firearm, died a day later as a result of injuries and mistreatment. Evidence shows that these individuals were arrested and detained under vague claims that they were "traitors" or "collaborators" of the Serbian authorities, that they sympathized with Serbia, or did not sufficiently support the efforts of the KLA, financially, militarily, or politically. The detainees were held at the metal factory for several days to a month.

The trial panel found that Shala bears individual criminal responsibility for war crimes of arbitrary detention, torture, and unlawful killing as part of a joint criminal enterprise, in its basic form.

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<sup>1</sup> The trial panel members were Roland Dekkers, Gilbert Bitti, and Vladimir Mikula (substitute judge).

<sup>2</sup> The indictment against Pjeter Shala was filed on March 31, 2021.

## Arrest and Judicial Proceedings

Pjetër Shala, known by the nickname "Ujku" [the Wolf], was arrested on March 16, 2021 in Belgium and transferred to the KSC detention facility on April 16, 2021. Until October 2022 seven (7) sessions were held on the status of the case and two (2) preparatory sessions.

The main hearing began on February 21, 2023, with the presentation of opening arguments by the parties. Twenty-two (22) witnesses testified during the main hearing: ten (10) proposed by the prosecution, ten (10) by the defense, and two (2) by the victim advocate. Of the ten (10) witnesses proposed by the prosecution, seven (7) testified under security measures in sessions closed to the public, with their identities concealed.

## Participating victims

Eight (8) participating victims have been accepted in this court case, the victims were mostly Kosovo Albanians, who were represented by victim advocates during the main hearing. The victim reparation order will be published soon by KSC.

According to the trial panel, this trial took place in the context of a constant victim-intimidation atmosphere. This atmosphere has had a significant impact, albeit to varying degrees, on the testimonies entered by some of the witnesses who appeared before the trial panel.

This is a first-instance court judgment, and parties have the right to file an appeal to the Appellate Court.

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