



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**File number:** KSC-BC-2023-10

**Before:** The President of the Specialist Chambers  
Judge Ekaterina Trendafilova

**Registrar:** Fidelma Donlon

**Date:** 28 October 2024

**Language:** English

**Classification:** Public

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**Decision on Haxhi Shala Request for  
Information on Courtroom Availability**

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**Judges of Trial Panel I:**

Judge Mappie Veldt-Foglia

Judge Roland Dekkers

Judge Gilbert Bitti

Judge Vladimir Mikula, Reserve Judge

**Counsel for Sabit Januzi:**

Jonathan Elystan Rees

Huw Bowden

**Specialist Prosecutor's Office:**

Kimberly P. West

**Counsel for Ismet Bahtijari:**

Felicity Gerry

**Counsel for Haxhi Shala:**

Toby Cadman

John Cubbon

**THE PRESIDENT** of the Specialist Chambers (“President”), noting Article 32(3) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s and Rule 13(1) of the Rules of Procedure and Evidence before the Specialist Chambers,<sup>1</sup> herewith renders a decision on the “Haxhi Shala Motion Requesting Information about the Possible Availability of an Additional Courtroom” (“Motion”).<sup>2</sup>

## I. PROCEDURAL BACKGROUND

1. On 11 December 2023, Mr Shala was arrested in Kosovo pursuant to an arrest warrant issued by the Pre-Trial Judge, following the confirmation of an indictment against him on allegations of witness intimidation.<sup>3</sup> On 12 December 2023, Mr Shala was transferred to the Detention Unit of the Specialist Chambers in The Hague, the Netherlands.<sup>4</sup>

2. On 4 September 2024, the Pre-Trial Judge transmitted case file KSC-BC-2023-10 to Trial Panel I.<sup>5</sup>

3. On 6 September 2024, Trial Panel I sent the parties an e-mail requesting their availability for hearings “considering the limited availability of the courtroom in the

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<sup>1</sup> Rules of Procedure and Evidence before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, (adopted on 17 March 2017, revised on 29 May 2017, amended on 29 and 30 April 2020).

<sup>2</sup> F00488, Haxhi Shala Motion Requesting Information about the Possible Availability of an Additional Courtroom, 30 September 2024.

<sup>3</sup> KSC-BC-2023-11/F00005/RED, Public Redacted Version of the Decision on the Confirmation of the Indictment, 30 January 2024 (strictly confidential and *ex parte* version filed on 4 December 2023, reclassified as confidential on 12 December 2023) (“Confirmed Indictment”); KSC-BC-2023-11/F00013/A01, Annex 1 to Submission of Public Redacted Version of Confirmed Indictment, 12 December 2023. A confidential version of the Indictment was filed on 6 December 2023. See KSC-BC-2023-11/F00007/A01, Annex 1 to Submission of Confirmed Indictment, 6 December 2023 (strictly confidential and *ex parte* reclassified as confidential on 11 December 2023).

<sup>4</sup> KSC-BC-2023-11/F00015/RED, Public Redacted Versions of the Report on the Arrest and Transfer of Haxhi Shala to the Detention Facilities with Strictly Confidential and *Ex Parte* Annexes 1-3, 3 July 2024 (“Report”) (strictly confidential and *ex parte* filed on 13 December 2023 reclassified as confidential on 15 December 2023).

<sup>5</sup> F00468, Decision Transmitting the Case File to Trial Panel I, 4 September 2024.

upcoming months” for certain periods in October, November and December 2024.<sup>6</sup>

4. On 9 September 2024, Trial Panel I sent a further e-mail to the parties requesting their availability for additional dates in January, February and March 2025.<sup>7</sup>

5. On 13 September 2024, Mr Shala filed a motion before Trial Panel I, requesting certain information about the availability of the courtroom at the Specialist Chambers, with a view to minimising “the prospect of trials being unduly long”.<sup>8</sup>

6. On 24 September 2024, Trial Panel I issued the “Decision Setting the Dates for Trial Preparation Conferences, Requesting Submissions and on Related Matters” (“Decision Setting Dates”), wherein it, *inter alia*, held that “it is not the appropriate body to respond” to Mr Shala’s questions for information about the courtroom’s availability.<sup>9</sup> Trial Panel I further stated that its request to the parties regarding their availability for the indicated months “are not a determination of the expected duration of the trial or sitting hours in this case”.<sup>10</sup>

7. On 30 September 2024, Mr Shala filed the Motion.

8. On 11 October 2024, the Specialist Prosecutor’s Office filed the “Prosecution response to Shala motion on courtroom availability” (“Response”).<sup>11</sup>

9. On 21 October 2024, Mr Shala filed the “Reply to Prosecution Response to Motion on Courtroom Availability” (“Reply”).<sup>12</sup>

10. On 24 October 2024, Trial Panel I issued the “Decision on the date for the

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<sup>6</sup> Motion, para. 4.

<sup>7</sup> Motion, para. 5.

<sup>8</sup> Motion, para. 6.

<sup>9</sup> F00479, Decision Setting the Dates for Trial Preparation Conferences, Requesting Submissions and on Related Matters, 24 September 2024, para. 10.

<sup>10</sup> Decision Setting dates, para. 10.

<sup>11</sup> F00522, Prosecution Response to Shala Motion on Courtroom Availability, 11 October 2024.

<sup>12</sup> F00546, Reply to Prosecution Response to Motion on Courtroom Availability, 21 October 2024.

commencement of the trial (“Decision on Commencement of the Trial”).<sup>13</sup>

## II. SUBMISSIONS

10. Mr Shala submits that the dates currently envisioned for hearings by Trial Panel I “imply that the trial will not be conducted on consecutive working days or even mostly on consecutive working days”, resulting in interruptions of several days and weeks.<sup>14</sup> Mr Shala submits that the “protracted period during which the Trial Panel is apparently contemplating that trial hearings will take place would be detrimental to the Accused who has expressed concern regarding the timing of the trial as he remains remanded in custody”.<sup>15</sup>

11. Mr Shala acknowledges that Trial Panel I has not yet taken a final decision as to the timing of the trial proceedings in his case, but asserts that the circumstances “are such that there is a risk owing to the length of the trial that the Accused’s rights will be violated”.<sup>16</sup> Mr Shala therefore contends that he is “entitled” to know why arrangements have not been made for the trial hearings to take place over a shorter period of time.<sup>17</sup> Given that Trial Panel I did not consider itself the “appropriate body” to answer Mr Shala’s questions in relation to the courtroom, he therefore has directed them to the President.<sup>18</sup>

12. The SPO contends that the Motion should be “rejected as premature, speculative and baseless” as there is no indication that the trial will not be conducted in a fair and expeditious manner.<sup>19</sup> The SPO argues that, to the contrary, Trial Panel I already indicated that the opening statements will be delivered on 8 November 2024,

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<sup>13</sup> F00559, Decision on the Date for the Commencement of the Trial, 24 October 2024.

<sup>14</sup> Motion, para. 13.

<sup>15</sup> Motion, para. 17. See also Motion, paras 14-16; Reply, paras 7-9.

<sup>16</sup> Motion, para. 18.

<sup>17</sup> Motion, para. 19.

<sup>18</sup> Motion, paras 20-21.

<sup>19</sup> Response, para. 1. See also Response, paras 2-3.

following by the opening of the SPO's case a week later, on 11 November 2024.<sup>20</sup>

Mr Shala contends that if answers are given to the questions he posed “and those that are still pending with the Trial Panel, it will be possible to make further submissions to the Trial Panel so that the risk can be minimised or even removed altogether”.<sup>21</sup> Mr Shala submits that “[p]revention is better than the cure” and the Motion therefore cannot be considered premature, speculative or baseless.<sup>22</sup>

### III. DISCUSSION

13. The President notes that the Specialist Chambers' legal framework does not provide any basis nor “entitlement” to an accused to information from the President in relation to the manner in which hearings will be organized by a trial panel. While the President is responsible for the judicial administration of the Specialist Chambers, the organization of judicial proceedings before the Specialist Chambers, including scheduling court hearings, is a matter that falls squarely within the competence of a trial panel.

14. The President further recalls that in its Decision Setting Dates, Trial Panel I clarified that its request regarding the parties' availability during certain months is not a determination of the expected duration of the trial and that it has in fact not scheduled any hearing dates for the trial.

15. The President notes in this respect that the concrete dates for the opening statements of the parties and the commencement of the presentation of the evidence by the SPO were announced by Trial Panel I in its Decision on Commencement of the Trial.<sup>23</sup>

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<sup>20</sup> Response, para. 1.

<sup>21</sup> Reply, para. 8.

<sup>22</sup> Reply, paras 8, 10.

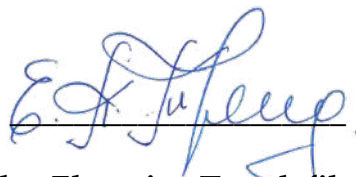
<sup>23</sup> F00559, Decision on the Date for the Commencement of the Trial, 24 October 2024, paras 6, 9, 15. In the Decision on Commencement of the Trial, Trial Panel I noted “that all Parties are ready to start the

16. The President further observes that in his Motion Mr Shala does not raise any arguments in relation to actual or ongoing delays in the proceedings before Trial Panel I. Insofar as Mr Shala has any concerns with respect to the expeditious nature of the proceedings in his case, the President recalls that the legal framework of the Specialist Chambers provides sufficient guarantees and remedies through which these concerns may be raised should they in fact materialize.

17. Based on the foregoing, Mr Shala request for information in relation to the use of the courtroom must be dismissed.

#### IV. DISPOSITION

For the foregoing reasons, the President hereby **DISMISSES** the Motion in its entirety.



**Judge Ekaterina Trendafilova,  
President of the Specialist Chambers**

Dated this Monday, 28 October 2024  
At The Hague,  
The Netherlands

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trial in November 2024” and after having varied the time limits prescribed under Rule 118(3) of the Rules, it “decid[ed] that the trial shall open on Thursday, 14 November 2024, at 09:30”. Moreover, having considered submissions from the parties on the preferred dates for the opening statements, the Trial Panel decided “to hear said opening statements starting on Thursday, 14 November 2024, at 9:30, following the opening of the case [...] and that it] will continue on Friday, 15 November 2024, if need be” With respect to the presentation of evidence, Trial Panel I stated “[c]onsidering recent requests for assistance made by all Parties in this case to obtain further evidence, which have an impact on the presentation of evidence and the expeditious conduct of the proceedings, the Panel decides that the presentation of evidence by the SPO shall commence on Monday, 9 December 2024, at 9:30”.