



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2023-10

**Before:** Trial Panel I  
Judge Mappie Veldt-Foglia, Presiding Judge  
Judge Roland Dekkers  
Judge Gilbert Bitti  
Judge Vladimir Mikula, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Registrar

**Date:** 24 February 2025

**Language:** English

**File Name:** The Specialist Prosecutor v. Sabit Januzi, Ismet Bahtijari and Haxhi Shala

**Classification:** Confidential and *Ex Parte*

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Registrar's Response to Haxhi Shala's Request for Reconsideration (F00685)

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Specialist Counsel for Haxhi Shala

Toby Cadman

1. On 13 February 2025, Trial Panel I ('the Panel') issued a decision ('Decision')<sup>1</sup> on Mr Haxhi Shala's request for review of the Registrar's decision on complexity level and the Legal Aid Fee ('Impugned Decision'),<sup>2</sup> finding no indication that the Registrar abused her discretion; no error of law or fact in the Impugned Decision; and no reason to consider that the Impugned Decision was manifestly unreasonable.
2. On 19 February 2025, Mr Shala submitted a request for reconsideration of the Panel's Decision, arguing that the Panel "made a clear error in reasoning in the application by the Registrar of Complexity Levels in her determination of the Legal Aid Fee and that reconsideration is necessary to avoid injustice."<sup>3</sup> Mr Shala submits that the case should be ranked at Complexity Level 3 or, alternatively, that the case should be referred to the Registrar to apply the correct understanding of complexity.<sup>4</sup>
3. The Request should be rejected. The Request fails to establish any clear error of reasoning or injustice that warrants undertaking the exceptional measure of reconsideration.<sup>5</sup> Rather, Mr Shala merely disagrees with the outcome of the Decision and continues to repeat many of the same arguments that have already been rejected.
4. More specifically, Mr Shala does not engage with the fact that he has not challenged, at any stage of review, the Registrar's analysis of the criteria under Regulation 16(3) of the LAR<sup>6</sup> so as to illustrate why the case should be assessed at Complexity Level 3. Indeed, the absence of any argumentation on the criteria in Regulation 16(3) of the LAR was discussed in detail by the Panel in its Decision.<sup>7</sup>

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<sup>1</sup> KSC-BC-2023-10, F00680, Decision on the Request for Review of the Decision of the Registrar on the Legal Aid Fee (F00518), confidential and *ex parte* ('Decision').

<sup>2</sup> F00518/A03, Annex 3 to the Request for Review of Decision of the Registrar on the Legal Aid Fee, 9 October 2024, confidential and *ex parte* ('Impugned Decision').

<sup>3</sup> F00685, Request for reconsideration of the Decision on the Request for Review of the Decision of the Registrar on the Legal Aid Fee (F00518), 19 February 2025, confidential and *ex parte* ('Request'), para. 22.

<sup>4</sup> Request, paras 22-23.

<sup>5</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03-Rev3/2020, 2 June 2020 ('Rules'), Rule 79.

<sup>6</sup> Legal Aid Regulations, KSC-BD-25-Rev1, 22 February 2024 ('LAR').

<sup>7</sup> See Decision, paras 25, 29, 32.

5. To be clear, the Registrar understands the argument that Mr Shala is making with regard to relative levels of complexity. There is no misunderstanding. As noted by the Panel, the Registrar addressed this argument directly in the Impugned Decision.<sup>8</sup> However, simply stating that “the application of the analysis to the facts”<sup>9</sup> would lead to a determination of Complexity Level 3, without any engagement with the criteria in Regulation 16(3) of the LAR, is insufficient and fails to demonstrate a *clear* error of reasoning or injustice to warrant reconsideration.

6. The Registrar reiterates that the factors under Regulation 16(3) of the LAR are applied to both international and domestic crimes, to the extent they are “applicable”,<sup>10</sup> and domestic crimes of the highest complexity will be categorised at the highest Complexity Level.<sup>11</sup> Although Mr Shala continues to express disagreement with the outcome of the Impugned Decision, he also persists in failing to engage with the criteria in Regulation 16(3) of the LAR, which is the concrete legal framework on which the Impugned Decision is based. Indeed, Mr Shala does not present any concrete arguments demonstrating that those criteria were addressed inappropriately based on the facts of this particular case.

7. As the Request fails to establish any clear error of reasoning or that reconsideration is necessary to avoid injustice, it should be rejected.

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<sup>8</sup> Impugned Decision, paras 17-21.

<sup>9</sup> Request, para. 18.

<sup>10</sup> LAR, reg. 16(3) (“For the purpose of determining the Complexity Level of a case, the following general factors, *as applicable*, shall be considered [...]” (emphasis added)).

<sup>11</sup> Impugned Decision, paras 19-21.

8. Pursuant to Rule 82(4) of the Rules, this submission is filed as confidential and *ex parte*, in line with the classification of the Panel's Decision.

**Word count: 677**

A handwritten signature in dark ink, appearing to read 'Fidelma Donlon', is positioned above a horizontal line.

**Dr Fidelma Donlon**  
**Registrar**

Monday, 24 February 2025  
At The Hague, the Netherlands