

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

**Specialist Prosecutor v. Sabit Januzi, Ismet Bahtijari and  
Haxhi Shala**

**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:** Specialist Counsel for Haxhi Shala

**Date:** 27 February 2025

**Language:** English

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

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**Reply to Registrar's Response to Haxhi Shala's Submissions on F00518 and F00563**

**(F00686)**

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**Counsel for Haxhi Shala**

Toby Cadman

1. The Defence for Mr. Haxhi Shala ("Defence") hereby replies to Registrar's Response to Haxhi Shala's Submissions on F00518 and F00563 (F00686) ("Registrar's Response").
2. The Registrar gives two reasons for the redactions proposed<sup>1</sup> in Request for Review of Decision of the Registrar on the Legal Aid Fee ("F00518")<sup>2</sup> and Reply to Registrar's Submissions concerning F00518 ("F00563").<sup>3</sup> Both reasons are flawed.
3. Firstly, the Registrar submits that the redactions proposed refer to specific information in the Registrar's decisions on legal aid which are classified as confidential.<sup>4</sup> This argument is fallacious. The presence of certain information in a decision that is confidential does not imply that the information concerned should remain confidential.
4. Secondly, the Registry considers that the range of legal aid complexity levels and the corresponding remuneration that are publicly available in the Legal Aid Regulations<sup>5</sup> strikes the appropriate balance between the publicity of proceedings and the confidentiality of the Registrar's decisions on legal aid in a specific case. This fails to take account of the argument in paragraph 12 of Submissions on F00518 and F00563. Whilst there may be reasons for the confidentiality of certain aspects of the Registrar's activities, the *outcome* of those activities in the form of a decision on the Legal Aid fee and Complexity

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<sup>1</sup> KSC-BC-2023-10/F00686, Submissions on F00518 and F00563, 19 February 2025, confidential and *ex parte*, para. 7.

<sup>2</sup> KSC-BC-2023-10/F00518.

<sup>3</sup> KSC-BC-2023-10/F00563, confidential and *ex parte*.

<sup>4</sup> Registrar's Response, para. 1.

<sup>5</sup> Registry Practice Direction, KSC-BD-25/Rev1/2024, 22 February 2024.

Level in a particular case do not affect the discharge of the Registrar's functions.<sup>6</sup> The Legal Aid fee that a Specialist Counsel receives and the corresponding Complexity Level concern him or her in the first instance. The Defence submits, therefore, that if Specialist Counsel agrees to making them public, there is no valid reason why they should remain confidential.

5. The present filing has been classified as confidential and *ex parte* pursuant to Rule 82(4) of the Rules. However, the Defence has no objection to its being classified as public.

**Word Count: [352 words]**



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**Toby Cadman**

**Specialist Counsel**

**27 February 2025**

**At London, United Kingdom**

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<sup>6</sup> See Rule 23(2)(a) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020 ("Rules"), 2 June 2020.