



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-SC-2025-05/CS003

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 11 December 2025

Language: English

Classification: Public

**Public Redacted Version of
Decision on Commutation, Modification or Alteration
of the Sentence of Mr Haxhi Shala
with Confidential and *Ex Parte* Annexes**

Specialist Prosecutor
Kimberly P. West

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THE PRESIDENT of the Specialist Chambers (“President”), noting Article 51(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rules 196 and 197 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), and Articles 3, 6, and 9 to 11 of the Practice Direction on Commutation of Sentences (“Practice Direction”), having consulted the Judges of the sentencing Panel, hereby issues this decision on commutation, modification or alteration of Mr Haxhi Shala’s (“Mr Shala”) sentence.

I. PROCEDURAL BACKGROUND

1. On 4 February 2025, Trial Panel I issued an oral decision under Rule 94 of the Rules, approving the plea agreement entered into by Mr Shala, wherein he admitted guilt to one charge of obstructing official persons in performing official duties and one charge of intimidation in criminal proceedings, and sentenced him to three years of imprisonment, with credit for time served.¹ Trial Panel I also confirmed Mr Shala’s agreement to pay 400 EUR as reparations to the victim admitted to participate in the proceedings (“V01/10”).²

2. On 26 June 2025, Mr Shala submitted the “Haxhi Shala Confidential and *Ex Parte* Request for Conditional Release”, requesting that the President grant him conditional release subject to such conditions as the President considers appropriate (“Request”).³

3. On 14 July 2025, the President issued the “Decision on Haxhi Shala Confidential and *Ex Parte* Request for Conditional Release” whereby she determined, *inter alia*, that, Mr Shala was not eligible for consideration of a request for commutation, modification

¹ KSC-BC-2023-10, Decision on Plea Agreements (“Decision on Plea Agreements”), 4 February 2025, public, p. 616, line 13 to p. 617, line 9, p. 617, lines 16-20. See also F00693/RED, Public Redacted Version of Reasons for the Decision on the Plea Agreements (“Reasons for the Decision on Plea Agreements”), 27 February 2025, public, para. 114(a)-(b).

² Decision on Plea Agreements, p. 617, lines 21-24; Reasons for the Decision on Plea Agreements, paras 109-112.

³ KSC-BC-2023-10/CR002, F00002, Haxhi Shala Confidential and *Ex Parte* Request for Conditional Release, 26 June 2025, confidential and *ex parte*, para. 23. A public redacted version was filed on 29 July 2025, F00002/RED.

or alteration of the sentence under the Specialist Chambers' regulatory framework, as he had not yet served two-thirds of his sentence, and dismissed his Request.⁴

4. On 6 October 2025, the Registrar notified the President, pursuant to Article 3(3) of the Practice Direction, that Mr Shala will become eligible for commutation of his sentence on 11 December, after having served two-thirds thereof.⁵

5. On 9 October 2025, the President requested the Registrar to collect and convey the information set forth in Rule 196(3) of the Rules and to take the steps prescribed in Article 4 of the Practice Direction.⁶

6. On 30 October 2025, the Registrar conveyed to the President the information collected in accordance with Rule 196(3) of the Rules and Article 5(1) of the Practice Direction ("Registrar's Submissions").⁷ Specifically, and in addition to her own submissions, the Registrar, included: (i) a report from the Detention Management Unit ("DMU" and "DMU Report"); and (ii) a report from the Specialist Prosecutor's Office ("SPO" and "SPO Report").

7. On 14 November 2025, the Chief Detention Officer of the DMU informed the Registrar, by letter, that Mr Shala did not intend to submit any written observations to the President pursuant to Rule 196(1) of the Rules and Article 5(3) of the Practice Direction.⁸

8. On the same day, the President provided all the information received from the Registrar to the Judges of the sentencing Panel in accordance with Article 51(2) of the

⁴ KSC-BC-2023-10/CR002, F00004, Decision on Haxhi Shala Confidential and *Ex Parte* Request for Conditional Release, 14 July 2025, public, paras 13-15.

⁵ KSC/REG/IOR/8444, Notification of Eligibility of Mr Haxhi Shala for Commutation of Sentence, 6 October 2025, confidential.

⁶ KSC/CHA/PRE/1095, Notice of Commutation of Sentence Mr Haxhi Shala, 9 October 2025, confidential.

⁷ KSC/REG/IOR/8511, Requested Information Related to Article 5 of the Practice Direction on Commutation of Sentence Concerning Mr Haxhi Shala, 30 October 2025, confidential.

⁸ 20251114/OUT/2752/HSOA, Provision of Written Information by Mr Haxhi Shala to the President, 14 November 2025, confidential.

Law, Rule 196(1) of the Rules and Article 6 of the Practice Direction and sought their views on Mr Shala's commutation of sentence or, alternatively, on the modification or alteration of his sentence, as provided for in Articles 10 and 11 of the Practice Direction.⁹

9. On 20 November 2025, the President requested the Registrar to inform Mr Shala that a lack of participation on his part in the process of review of his sentence under Rule 196(2) of the Rules may weaken the prospects of commutation or modification thereof, and to advise him that, if required, he may request legal assistance as well as a hearing in accordance with Rule 197(1) of the Rules. Thus, Mr Shala was granted a further opportunity to submit observations and to participate in this process.¹⁰

10. On 1 December 2025, Mr Shala transmitted his observations on the Registrar's Submissions and related reports through the Court Management Unit.¹¹ Among other things, he requested that the President convene an oral hearing, in order to enable him to present in person, along with his Specialist Counsel, his perspective in relation to the factors that she will be considering in reviewing his sentence.¹²

II. ANALYSIS

11. The President underscores that persons convicted by the Specialist Chambers become eligible for *consideration* of commutation of sentence upon having served two-thirds of their sentence.¹³ Eligibility denotes *consideration* and *not an inherent right* to commutation. Therefore, commutation, modification or alteration of a sentence is a discretionary decision for the President to take, after having consulted with the Judges

⁹ KSC/CHA/PRE/1104, Commutation of Sentence – Mr Haxhi Shala, 14 November 2025, confidential.

¹⁰ KSC/CHA/PRE/1109, Commutation of Sentence Mr Haxhi Shala ("President's Additional Memo"), 20 November 2025, confidential.

¹¹ KSC-SC-2025-05/CS003, F00002, Haxhi Shala Submission in Respect of Commutation, Modification or Alteration of Sentence ("Shala Submissions"), 1 December 2025, confidential.

¹² Shala Submissions, para. 38.

¹³ Rule 196(2) of the Rules, Article 3(1) of the Practice Direction. See also KSC-SC-2023-01/CS001/F00002, Decision on Commutation, Modification or Alteration of Sentence ("Gucati Decision"), 12 October 2023, public, para. 9.

of the Specialist Chambers “on the basis of the interests of justice and general principles of law”,¹⁴ and according to the procedure set forth in the legal framework of the Specialist Chambers. There is, as such, no burden of proof on the part of the President to demonstrate that the sentenced person has not fulfilled the criteria for release on conditions.¹⁵

12. The President recalls that the Law, the Rules and the Practice Direction limit her competence to considering *only* the eligibility of a convicted person for commutation, modification or alteration of sentence, *not the judgments* rendered by the competent Panels.¹⁶

13. The President will examine the factors set forth in Rule 196(3) of the Rules and determine, based on the facts of this case, whether there are sufficient factors that warrant the commutation, modification or alteration of Mr Shala’s sentence. While she has consulted and considered the sentencing Panel’s views, the President will not address them in her decision.

a) Genuine dissociation from the crime

14. According to the Registrar’s Submissions and the DMU Report, Mr Shala has neither made any reported expression of remorse or regret to DMU staff regarding the crimes of which he was convicted, nor given any indication that he would not engage anew in a similar conduct.¹⁷ The DMU Report indicates that, in general, Mr Shala only discusses everyday matters with DMU staff, and does not engage in conversations on his case or the crimes of which he was convicted.¹⁸

15. In his written submissions, Mr Shala contends that, in this context, it should be borne in mind that he pleaded guilty, concluding a plea agreement which was

¹⁴ Article 51(2) of the Law.

¹⁵ Gucati Decision, para. 9.

¹⁶ Gucati Decision, para. 10.

¹⁷ Registrar’s Submissions, para. 31; DMU Report, para. 8.

¹⁸ DMU Report, para. 8.

approved by Trial Panel I.¹⁹ Mr Shala further avers that he has expressed regret and remorse at the sentencing hearing, through Specialist Counsel, as part of his submissions on mitigating circumstances, adding that, having had time to reflect during the service of his sentence, he would like to be given the opportunity to express “this” at the hearing with the President.²⁰

16. The President observes that the conclusion of a plea agreement should not be equated with an expression of remorse or regret regarding the crimes of which Mr Shala was convicted. Rather, the guilty plea is a key element of the plea agreement through which Mr Shala benefitted from a mandatory reduction of his sentence pursuant to Rule 163(2) of the Rules.

17. The President also observes that, contrary to Mr Shala’s contentions, the record shows that he did not express remorse during the plea agreement hearing. Specialist Counsel spoke on his behalf regarding mitigating circumstances without, however, touching upon this aspect.²¹ Rather, the record demonstrates that, when asked by the Presiding Judge whether he would like to express any remorse, Specialist Counsel for Mr Shala, after consulting his client,²² informed Trial Panel I that Mr Shala was “not in a position to answer [the] question”.²³ Thereafter, Trial Panel I concluded as follows:

Presiding Judge Veldt-Foglia: Then I note for the record that on my question if there’s remorse, he didn’t want to give an answer. That’s why I –he doesn’t want to reply to me on that.

Mr. Cadman: That’s correct, Your Honour.

Presiding Judge Veldt-Foglia: Okay. That’s noted for the record. Thank you.²⁴

¹⁹ Shala Submissions, para. 17.

²⁰ Shala Submissions, para. 17. The President notes that Specialist Counsel did not provide any reference to support this statement.

²¹ KSC-BC-2023-10, Plea Agreement Hearing (“18 December Plea Agreement Hearing”), 18 December 2024, public, p. 441, line 17 to p. 451, line 9.

²² 18 December Plea Agreement Hearing, p. 438, line 17 to p. 439, line 11.

²³ 18 December Plea Agreement Hearing, p. 440, line 18 to p. 441, line 3.

²⁴ 18 December Plea Agreement Hearing, p. 441, lines 4-9. See also Registrar’s Submissions, para. 32.

Likewise, when determining his sentence, Trial Panel I noted that Mr Shala did not show remorse.²⁵

18. Furthermore, following his initial absence of any submission, the President granted Mr Shala another opportunity to make observations on the Registrar's Submissions and related reports. In order to safeguard Mr Shala's positions, he was provided with Specialist Counsel for this specific additional opportunity. In that context, the President had expressly indicated that "the factors set forth in Rule 196(3) of the Rules, in particular *genuine dissociation of the crime*, demonstration of rehabilitation, and the individual circumstances of the person, are of utmost importance, and any active participation of the convicted person in this process will facilitate such a review".²⁶ Still, while Mr Shala made written submissions through Specialist Counsel on all the factors relevant to the commutation, modification or alteration of his sentence,²⁷ he did not make any unequivocal statement or submission on any genuine dissociation from the offences of which he was convicted. Erroneously and contrary to the record of the sentencing hearing referred to above, in his current submissions, Mr Shala contended that he had "expressed regret and remorse at the sentencing hearing through his counsel as part of the submissions on mitigation".²⁸

19. As mentioned already, Mr Shala unambiguously declined to express any remorse at the sentencing hearing and has equally now chosen not to express any remorse in his written submissions. Instead, and following the erroneous statement that he had expressed remorse, Mr Shala indicated that, having had the time to reflect during the service of his sentence, he would like to be given the opportunity to express "this" at the hearing before the President.

²⁵ Reasons for the Decision on Plea Agreements, para. 84.

²⁶ President's Additional Memo (emphasis added).

²⁷ Shala Submissions, paras 18-37.

²⁸ Shala Submissions, para. 17. It should be noted that Mr Shala was represented by the same Specialist Counsel.

20. Given the multiple opportunities already afforded to Mr Shala, and his apparent difficulty or unwillingness to offer an unambiguous expression of genuine remorse, this suggests that he still struggles to disassociate himself from the crimes committed. Providing Mr Shala with yet another opportunity at a hearing is thus unnecessary.

21. Accordingly, the Presidents finds that this factor weighs against commutation, modification or alteration of Mr Shala's sentence.

b) Demonstration of rehabilitation

22. The DMU Report indicates that Mr Shala has displayed friendly, responsible and respectful behaviour towards DMU staff, and has not engaged in any inappropriate conduct or displayed any aggressive behaviour, verbal or otherwise.²⁹ Mr Shala has, for the most part, complied with the Rules of Detention, save for one incident in which, [REDACTED].³⁰ The Rules of Detention, of which Mr Shala was informed upon reception at the Detention Facilities pursuant to Rule 12 (1) and (3) of the Rules of Detention, and reportedly reappraised following the aforesaid incident, provide that [REDACTED].³¹

23. In this connection, Mr Shala does not advance any new submissions but merely refers to the information contained in the DMU Report.³²

24. While the President pays heed to the incident described in the DMU Report, she observes, however, that: (i) [REDACTED];³³ (ii) [REDACTED];³⁴ and (iii) [REDACTED].³⁵ The President is mindful, in particular, that no disciplinary action

²⁹ DMU Report, para. 9; see also paras 10-11, 16.

³⁰ DMU Report, para. 13.

³¹ DMU Report, paras 13-14.

³² Shala Submissions, para. 18.

³³ DMU Report, para. 14.

³⁴ DMU Report, para. 14.

³⁵ DMU Report, para. 15.

was taken in relation to Mr Shala, and that no further incidents of this nature have occurred.³⁶

25. The President also considers that Mr Shala has maintained positive and friendly relationships with the other detainees,³⁷ and that, during his detention, he has neither been subject to any disciplinary measures, nor formally cautioned.³⁸

26. However, the President also notes the lack of remorse shown so far by Mr Shala, as found above. This may indicate that Mr Shala is less amenable to rehabilitation.³⁹

27. The President is of the view that, overall, Mr Shala has shown some signs of rehabilitation and, as such, this factor could weigh in favour of a possible commutation, modification or alteration of Mr Shala's sentence.

c) Prospect of resocialisation and successful resettlement

28. According to the DMU Report, the frequency of visits that Mr Shala has received from his family, relatives and friends demonstrates that he has an established family connection, and a wide social network which could support his resocialization after release.⁴⁰ The DMU Report further indicates that family, especially his wife and sons, appear to be very important to Mr Shala, and exert a positive influence on him.⁴¹

29. Mr Shala refers to the information in the DMU Report, without advancing any new submissions in this regard.⁴²

³⁶ DMU Report, para. 15

³⁷ DMU Report, para. 17; see also paras 18-19.

³⁸ DMU Report, para. 16.

³⁹ The President notes that one of the purposes of punishment in the Kosovo Criminal Code is to rehabilitate the perpetrator, see Article 38 Kosovo Criminal Code.

⁴⁰ DMU Report, paras 23-25.

⁴¹ DMU Report, para. 25.

⁴² Shala Submissions, para. 19.

30. The President is of the view that Mr Shala's positive family relationships, stable living environment and extended social network will likely assist him in adapting and integrating in Kosovo if released.⁴³

31. Accordingly, the President considers this information as a positive factor when assessing whether to grant Mr Shala's commutation, modification or alteration of his sentence.

d) Gravity of the crimes for which the person was convicted

32. The SPO avers that the offences for which Mr Shala was convicted are "a grave challenge to the security and integrity of judicial proceedings", and that the scope of Mr Shala's interference in this case was "substantial".⁴⁴ According to the SPO Report, these offences have "a chilling effect on the public confidence in the effectiveness of [the Specialist Chambers's] orders and decisions, including those relating to protective measures".⁴⁵

33. Mr Shala contends that the three-year imprisonment sentence imposed on him is not on the higher end of the range for either of the two offences of which he was convicted, namely obstructing official persons in performing official duties (between one to five years) and intimidation during criminal proceedings (between two to ten years), being at the lower range of the latter offence.⁴⁶ He further argues that it is vital to take account of the distinction between administration of justice offences and the international crimes which the Specialist Chambers were set up to address, claiming that the former do not carry the same weight or consequences as war crimes or crimes against humanity.⁴⁷

⁴³ See also DMU Report, para. 26.

⁴⁴ SPO Report, paras 3-4.

⁴⁵ SPO Report, para. 5.

⁴⁶ Shala Submissions, para. 20.

⁴⁷ Shala Submissions, para. 21.

34. Whereas the President is mindful that Mr Shala was convicted at the lower end of the sentencing range for the offence of intimidation during criminal proceedings, she notes that his conduct not only had a chilling effect on a specific witness and his family in this case, but also that, more generally, such conduct has an effect on other witnesses who may appear or have appeared before the Specialist Chambers, and on the latter's ability to undertake its mandate. In the President's view, and contrary to the contentions of Mr Shala, offences against the administration of justice are serious precisely because they hinder the prosecution of core international crimes, which is why the Law confers jurisdiction to the Specialist Chambers to address them where they relate to its official proceedings and officials. In this regard, the President further observes that the gravity of offences against the administration of justice, particularly intimidation of witnesses, has been acknowledged in the jurisprudence of the Specialist Chambers.⁴⁸ She further highlights that, while pronouncing a sentence at the lower end of the sentencing range is an imperative requirement under Rule 163(2) of the Rules where a plea agreement has been approved, it does not diminish the specific gravity of the offence.

35. The President likewise gives due consideration to Mr Shala's prominent role in intentionally directing and orchestrating the commission of the offences in question through Messrs Sabit Januzi and Ismet Bahtijari,⁴⁹ as well as the mental harm suffered by V01/10.⁵⁰

36. In light of the foregoing, the President considers that this factor weighs against commutation, modification or alteration of Mr Shala's sentence.

⁴⁸ KSC-BC-2020-07, F00611/RED, Public Redacted Version of the Trial Judgment, 18 May 2022, public, para. 951. See also Gucati Decision, para. 37.

⁴⁹ SPO Report, para. 4; Reasons for the Decision on Plea Agreements, paras 26, 83.

⁵⁰ KSC-BC-2023-10, F00667/RED, Decision on Victims' Participation, Scheduling a Hearing on Plea Agreements and Related Matters, 29 January 2025, public, paras 26-31. See also SPO Report, para. 6.

e) Treatment of similarly situated prisoners

37. As noted in the DMU Report, four persons convicted by the Specialist Chambers have, until present, been eligible for commutation, modification or alteration of their respective sentences.⁵¹ In particular, three of them have had their sentences modified by the President after reaching two-thirds of their sentence, and were released with conditions, while with respect to one, namely Mr Nasim Haradinaj (“Mr Haradinaj”), the President did not consider commutation, modification or alteration of his sentence appropriate given his disciplinary record at the DMU.⁵² Nevertheless, two months later, upon the provision of a further report by the Registrar, the President reviewed and modified Mr Haradinaj’s sentence, releasing him with conditions.⁵³

38. Largely, Mr Shala’s submissions reflect those contained in the DMU Report.⁵⁴ He also adds that his situation should be distinguished from that of Mr Haradinaj, since, as opposed to him, he showed respect for the rules and regulations at the DMU, and argues that this is a “powerful factor” in support of his release on 11 December 2025.⁵⁵

39. The President notes, as also reflected in the DMU Report, that three persons convicted of offences against the administration of justice by the Specialist Chambers previously had their sentences reviewed and modified by the President having served two-thirds thereof, were released with conditions.⁵⁶ However, the President recalls that every decision depends on the particular circumstances and behaviour of the individual concerned.

40. Therefore, and acknowledging the individual circumstances, that contrary to the other three individuals that benefitted from a modification of their sentence, Mr Shala

⁵¹ DMU Report, para. 27.

⁵² DMU Report, para. 27.

⁵³ DMU Report, para. 27.

⁵⁴ Shala Submissions, para. 22.

⁵⁵ Shala Submissions, para. 28.

⁵⁶ See also DMU Report, para. 27.

has not expressed remorse, the President finds that the circumstances with respect to Mr Shala are different from similarly situated prisoners. Thus, this is a neutral factor when assessing whether to grant Mr Shala commutation, modification or alteration of his sentence.

f) Whether release would give rise to significant social instability

41. As emerges from the Registrar's Submissions, an assessment carried out by the Registry's Safety and Security Unit ("SSU") determined that it is reasonable to expect that the release of Mr Shala in Kosovo would "elicit a limited public reaction", and that "the probability of [his release] resulting in a level of civil disorder that could be considered significant social instability is expected to be very low".⁵⁷ Furthermore, Mr Shala does not have such a profile or politicised role that could be considered to give rise to any significant social instability, or result in threats to his personal security and safety.⁵⁸

42. In this regard, Mr Shala refers to the information in the DMU Report, without, however, advancing new submissions.⁵⁹

43. The President notes that the SSU undertook a thorough analysis in this regard, to which the President attaches considerable weight. Having considered the information before her, the President is of the view that the risk of significant social instability in Kosovo should Mr Shala be released is very low.

44. The President therefore considers that this factor weighs in favour of a possible commutation, modification or alteration of Mr Shala's sentence.

g) Any substantial cooperation with the SPO

⁵⁷ Registrar's Submissions, paras 15-16.

⁵⁸ Registrar's Submissions, paras 17-19.

⁵⁹ Shala Submissions, para. 29.

45. The SPO contends that Mr Shala's limited cooperation with the SPO in the form of concluding a plea agreement only came after significant litigation had taken place, and just days before the trial was scheduled to commence, and that said cooperation has already been given credit pursuant to Rule 163(2) of the Rules, and thus should not constitute a factor militating in favour of commutation.⁶⁰ Moreover, according to the SPO Report, Mr Shala did not give a voluntary interview in his case, and despite his subsequent admissions regarding the alleged involvement of others in the offences of which he was convicted, Mr Shala has not identified these persons to the SPO.⁶¹

46. Mr Shala submits that, save for the offer for a voluntary interview during the pre-trial stage of the criminal proceedings against him, there has been no attempt by the SPO during Mr Shala's detention to seek his cooperation and that, as such, any lack of cooperation should not be held against him.⁶²

47. The President agrees with the SPO that the plea agreement itself was sufficiently acknowledged and given credit as required by Rule 163(2) of the Rules, and that this factor alone cannot be taken into account anew as militating in favour of commutation.

48. Noting that there is no other indication that Mr Shala's cooperation was sought or that he provided cooperation to the SPO beyond the plea agreement, the President considers this as a neutral factor in assessing whether to grant Mr Shala commutation, modification or alteration of his sentence.

⁶⁰ SPO Report, para. 8.

⁶¹ SPO Report, para. 8.

⁶² Shala Submissions, para. 30.

h) Voluntary assistance of the convicted person in enabling the enforcement of the judgments and orders of the Specialist Chambers

49. The Registrar avers that she does not have information regarding any voluntary assistance of Mr Shala in enabling the enforcement of Specialist Chambers judgments and orders in other cases.⁶³

50. Mr Shala submits that there is no reason to suppose that there is any action that he could have taken in this regard.⁶⁴ The President notes that Mr Shala indeed has paid the sum of 400 EUR in reparations to V01/10, albeit this was part of the plea agreement advancing the imperative reduction of his sentence pursuant to Rule 162(2) of the Rules.⁶⁵

51. Therefore, the President considers this as a neutral factor when assessing whether to grant commutation, modification or alteration of Mr Shala's sentence.

i) Any significant action taken by the convicted person for the benefit of the victims as well as any impact on the victims and their families as a result of the commutation of sentence

52. According to the Registrar's Submissions, [REDACTED].⁶⁶

53. In this regard, Mr Shala further avers that the Registrar [REDACTED].⁶⁷

54. The President is of the view that the foregoing amounts to a neutral factor when assessing any commutation, modification or alteration of Mr Shala's sentence.

⁶³ Registrar's Submissions, para. 20.

⁶⁴ Shala Submissions, para. 31.

⁶⁵ KSC-BC-2023-10, F00684, Registrar's Report on Payment of Reparations, 19 February 2025, public, para. 4.

⁶⁶ Registrar's Submissions, para. 22.

⁶⁷ Shala Submissions, para. 33.

j) The individual circumstances of the convicted person

55. Considering that no significant information was submitted under this factor,⁶⁸ the President is of the view that it should be considered as neutral in the assessment of the possible commutation, modification or alteration of Mr Shala's sentence.

k) Other factors establishing a clear and significant change of circumstances sufficient to justify commutation, modification or alteration of sentence

56. The SPO submits that, given the gravity and nature of the offences at issue, and the contemporaneous nature of the criminal conduct, a commutation of Mr Shala's sentence and his release would not fulfil the objective of appropriate deterrence and could impact the confidence of witnesses who have co-operated with the Specialist Chambers, those following the court proceedings, and the public at large.⁶⁹

57. In addition, the SPO submits that Mr Shala has a history of similar criminal acts, including a second recent obstruction conviction, for which he was given a suspended sentence of nine months on 1 September 2022, on condition that he does not commit any further offences for a period of two years, which he has violated by his criminal acts in this case.⁷⁰

58. Mr Shala argues that, since Mr Shala's prior criminal history was considered by Trial Panel I in the context of his sentencing, taking it into consideration in deciding on commutation, modification or alteration of Mr Shala's sentence would constitute "double-counting".⁷¹

59. As regards the SPO's submissions as to the impact of a possible commutation of Mr Shala's sentence on the objective of deterrence and the confidence of witnesses and the public in the Specialist Chambers, the President is of the view that such general

⁶⁸ DMU Report, para. 28; Shala Submissions, para. 34.

⁶⁹ SPO Report, para. 10.

⁷⁰ SPO Report, para. 11.

⁷¹ Shala Submissions, para. 35.

considerations do not pertain to the identification of any clear and significant change in Mr Shala's circumstances that would weigh against a commutation of his sentence. Moreover, the President agrees that Mr Shala's prior criminal history was duly taken into consideration as an aggravating circumstance in the determination of Mr Shala's sentence⁷² and that, as such, it does not amount to a significant *change of circumstances* that should be taken into account under this factor.

60. Accordingly, the President does not deem the aforesaid information relevant for her consideration of commutation, modification or alteration of Mr Shala's sentence.

III. COMMUTATION OF SENTENCE

61. The President observes that Article 51(2) of the Law provides that a convicted person will become eligible for commutation of sentence upon having served two-thirds of his or her sentence.

62. The President recalls her analysis of the factors set forth in Rule 196(3) of the Rules and the weight she accorded to each of these factors, including those that were in favour, neutral, or against commutation, modification or alteration of Mr Shala's sentence.

63. The President further recalls that the offences for which Mr Shala was convicted are indisputably grave, regardless of the relatively low sentence that he received as required by Rule 163(2) of the Rules, and notes that he did not avail himself of the ample opportunities granted to him to show genuine dissociation from these offences.

64. The President notes that commutation of sentence entails the immediate release of a convicted person, which would not allow for the imposition of conditions on the release. Considering the nature of the offences for which Mr Shala was convicted and the chilling effect that his actions had on a specific witness, but also potential future

⁷² Reasons for the Decision on Plea Agreements, para. 84.

witnesses before the Specialist Chambers, as well as Mr Shala's lack of any meaningful dissociation from the offences, and having duly considered the interests of justice and general principles of law in light of the facts of his case, the President does not consider that commutation of his sentence would be appropriate. Thus, the President shall not grant Mr Shala a commutation of his sentence which stands as pronounced by Trial Panel I.

IV. MODIFICATION OR ALTERATION OF THE SENTENCE

65. According to Article 51(2) of the Law, considered together with Articles 3(1) and 10 of the Practice Direction, the President may decide to modify or alter the sentence imposed on a convicted person once two-thirds of the sentence has been served, where she finds that commutation of sentence is not appropriate. To that end, the President may modify or alter the sentence by ordering release under certain specific conditions. Such conditions shall apply for the duration of the term of imprisonment or any other earlier specified date.⁷³ Likewise, pursuant to Article 11(2) of the Practice Direction, the President may decide to revoke or modify her decision if the convicted person breaches one or more of the conditions imposed.

66. The President observes that the offences for which Mr Shala was convicted are indisputably grave given the impact of obstruction and witness intimidation on the administration of justice and that, despite being granted ample opportunities to do so, both orally and in writing, he failed to express remorse and disassociate himself from these offences. This fact equally places him outside the category of similarly situated prisoners, who had at least expressed some remorse or regret for their actions.⁷⁴

⁷³ See Article 11(1) of the Practice Direction.

⁷⁴ See, e.g., Gucati Decision, paras 16- 18; KSC-SC-2025-05/CS001, F00002/COR, Corrected Version of Decision on Commutation, Modification or Alteration of Sentence, 19 February 2025, public, paras 14-15; KSC-SC-2025-05/CS002, F00002/COR, Corrected Version of Decision on Commutation, Modification or Alteration of Sentence, 19 February 2025, public, paras 16, 19.

67. It is also true that a number of factors weigh in favour of the modification of Mr Shala's sentence, albeit with conditions. In particular, the President recalls that (i) Mr Shala has shown some signs of rehabilitation; (ii) his positive family relationships, stable living environment and extended social network indicate a reasonable prospect of resocialisation and successful resettlement in Kosovo, should Mr Shala be released; (iii) the likelihood that his release would give rise to significant social instability in Kosovo is low; and (iv) V01/10 has not expressed any opposition to the prospect of Mr Shala's release. The President further notes that Mr Shala has indicated that, while he deems release conditions unnecessary, he will consent to any such conditions as the President deems suitable.⁷⁵

68. However, the President is of the view that the immediate release of Mr Shala, even with conditions, is inappropriate at this time considering that, having been granted multiple opportunities, Mr Shala has chosen not to express remorse or demonstrate any genuine dissociation from the offences of which he was convicted. The President attaches significant weight to this factor. Accordingly, the President will consider a possible modification of Mr Shala's sentence in two months' time, once she receives a further report from the Registrar regarding the information stipulated in Rule 196(3) of the Rules, including any clear and genuine dissociation from the crime of which Mr Shala was convicted.

V. HEARING

69. Lastly, the President has taken note of Mr Shala's request for a hearing.⁷⁶ The President recalls that she did indicate that a hearing may be scheduled "if required".⁷⁷ Notably, Mr Shala has not provided any specific reasons as to why such a hearing would be necessary in addition to the written submissions, save for a vague reference that he wished to make certain expressions before the President regarding potential

⁷⁵ Shala Submissions, para. 40.

⁷⁶ See above, para. 10.

⁷⁷ President's Additional Memo.

remorse.⁷⁸ However, and since Mr Shala has made his submissions in writing on all the factors set forth Rule 196(3) of the Rules,⁷⁹ as he deemed appropriate, given the specific circumstances, the President finds that Mr Shala was provided with multiple opportunities to express remorse and that, as such, a hearing is not necessary. Therefore, the President rejects Mr Shala's request to convene a hearing.

VI. DISPOSITION

70. In view of the above, the President hereby:

DECIDES that commutation, modification or alteration of Mr Shala's sentence is not appropriate and is therefore not granted;

REJECTS Mr Shala's request to convene a hearing;

ORDERS the Registrar to provide a further report, as outlined in paragraph 68 of this decision, by **11 February 2026**, and Mr Shala to submit observations with respect to said report by **18 February 2026**; and

ORDERS the CMU to ensure that the Annexes to this decision remain confidential and *ex parte*, where provided.


Judge Ekaterina Trendafilova,
President of the Specialist Chambers

Dated this Thursday, 11 December 2025
At The Hague,
The Netherlands

⁷⁸ Shala Submissions, para. 17.

⁷⁹ See also above, para. 18.