



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: 29 July 2026

Language: English

Classification: Public

Decision on Mr Haxhi Shala's Request for Reconsideration

Counsel for Haxhi Shala
Toby Cadman

THE PRESIDENT of the Specialist Chambers (“President”), noting Rules 79 and 196 (3) and (4) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”) and Article 11 of the Practice Direction on Commutation of Sentences, is seised of the “Request for Reconsideration of the “Decision on the Request of Mr Haxhi Shala” (KSC-SC-2025-05/CS003/F00010)” (“Request for Reconsideration”) filed by Mr Haxhi Shala.¹

I. BACKGROUND

1. On 2 February 2026, the President issued the “Decision on Commutation, Modification or Alteration of the Sentence of Mr Haxhi Shala with Confidential and *Ex Parte* Annexes” (“Decision”), wherein she modified Mr Shala’s sentence by releasing him to Kosovo under certain conditions following his service of two thirds of his three-year sentence of imprisonment.²

2. On 18 June 2026, the Registrar filed the “Transmission of Request Regarding Mr Haxhi Shala’s Release Conditions” (“Request”),³ informing that she received an email on 15 June 2026 from a family member on behalf of Mr Shala, requesting that Mr Shala be allowed to renew his identification and travel documents, which have expired, and that he be granted permission to travel to Albania “for a short holiday”.⁴

3. On 23 June 2026, the President denied the Request, finding, *inter alia*, “the request to travel to Albania for recreational purposes fundamentally incompatible with the sentence imposed on Mr Shala. Indeed, the conditional release to Kosovo is not meant to be interrupted, absent compelling legal or humanitarian grounds”.⁵ The President

¹ F00012, Request for Reconsideration of the “Decision on the Request of Mr Haxhi Shala” (KSC-SC-2025-05/CS003/F00010), 22 July 2026.

² F00004, Decision on Commutation, Modification or Alteration of the Sentence of Mr Haxhi Shala with Confidential and *Ex Parte* Annexes, 2 February 2026.

³ F00009, Transmission of Request Regarding Mr Haxhi Shala’s Release Conditions, 18 June 2026 (confidential and *ex parte*).

⁴ Request, para. 4.

⁵ F00010, Decision on the Request of Mr Haxhi Shala, 23 June 2026 (“Decision on the Request”), para. 5.

further found that “permitting travel for the purpose of ‘a short holiday’ would undermine the integrity of the sentence, diminish the public confidence in the administration of justice and would call into question the seriousness of the offences for which the sentence was imposed”.⁶

4. On 22 July 2026, Mr Shala filed the Request for Reconsideration, wherein he argues that the Decision on Request “rests on a legal standard found nowhere in the Rules, the Practice Direction, or the Convicted Person’s own conditions of release; it deprives the express permission mechanism in the underlying Decision of any content; it was reached without any individualised or proportionality assessment; and it relies on considerations already exhausted at the commutation stage, yielding a conclusion that no reasonable decision-maker, properly directing herself, could reach”.⁷

5. Mr Shala further argues that his “freedom of movement is protected by Article 2 of Protocol No. 4 to the European Convention on Human Rights, and his right to respect for private and family life by Article 8 of the Convention. These guarantees bind the Specialist Chambers by operation of Article 3(2) of the Law and through Articles 22 and 53 of the Constitution of Kosovo, which give the Convention direct effect and require its interpretation in conformity with the jurisprudence of the European Court of Human Rights”.⁸

II. ANALYSIS

6. The President recalls that a request for reconsideration pursuant to Rule 79 of the Rules applies to decisions issued by “a Panel”. A Panel within the meaning of Rule 2 of the Rules refers to one or more Judges assigned by the President pursuant to Articles 25(1) and 33 of the Law. As a general matter, decisions issued by the President

⁶ Decision on the Request, para. 5.

⁷ Request for Reconsideration, para. 2. See also Request for Reconsideration, paras 11-15, 19-22.

⁸ Request for Reconsideration, para. 10. See also Request for Reconsideration, paras 16-18.

in the exercise of her judicial administration role, including decisions on commutation of sentences, are therefore not subject to reconsideration within the meaning of Rule 79 of the Rules.⁹ Nevertheless, the President has the inherent authority to reconsider her decisions in exceptionally limited circumstances.¹⁰

7. The President recalls that for an application for reconsideration pursuant to Rule 79 of the Rules to succeed, the moving party or participant must demonstrate the existence of a clear error of reasoning or that reconsideration is necessary to avoid injustice. New facts, circumstances or arguments may be considered in this assessment provided that the moving party show how they relate to reconsideration.¹¹

8. Reconsideration of decisions may only take place in exceptional circumstances.¹² Given its exceptional character, reconsideration may not be invoked as an ordinary remedy (so as to create a second type of appeal process) to redress imperfections in a decision or to circumvent the unfavourable consequences of a ruling.¹³ Accordingly, mere disagreement with the outcome or with the reasoning of a decision is not sufficient for that decision to be reconsidered.¹⁴

9. The President recalls that Mr Shala pleaded guilty to grave offences. When conditionally released, he was informed of the importance of complying with the conditions set forth in the Decision until the completion of the three-year sentence of imprisonment imposed on him as a result of the commission of these offences.¹⁵ Absent this decision to conditionally release him to Kosovo, Mr Shala would still be

⁹ Decision on Applications for Reconsideration and Disqualification of a Judge from a Court of Appeals Panel, 17 September 2021 (“Decision on Applications for Reconsideration and Disqualification”), para. 9.

¹⁰ Decision on Applications for Reconsideration and Disqualification, para. 9.

¹¹ KSC-BC-2020-07/F00278, Decision on the Request for Reconsideration of the Decision on Recusal or Disqualification, 20 August 2021, para. 3; KSC-BC-2020-06/F00476, Decision on Applications for Reconsideration and Disqualification, para. 11.

¹² Decision on Applications for Reconsideration and Disqualification, para. 12.

¹³ Decision on Applications for Reconsideration and Disqualification, para. 12.

¹⁴ Decision on Applications for Reconsideration and Disqualification, para. 12.

¹⁵ Decision, para. 12.

detained in The Hague serving the remainder of his sentence of imprisonment.

10. Mr Shala is requesting reconsideration of a decision denying him permission to leave Kosovo to go on vacation, which, as he acknowledges, is discretionary.¹⁶ As Mr Shala rightly points out, a condition allowing the convicted person to request permission to leave Kosovo presupposes that this request may be granted.¹⁷ However, the opposite is also true; it presupposes that the request may be denied. To that end, there is no merit to Mr Shala's contention that a "wrong legal threshold" was applied, and he has not shown an abuse of the President's exercise of her discretion in denying his request to vacation outside Kosovo while serving his sentence of imprisonment on conditional release.

11. Contrary to Mr Shala's suggestion,¹⁸ the decision denying him permission to leave Kosovo does not constitute a "blanket rule" against being able to leave Kosovo. As noted in the Decision on the Request,¹⁹ other reasons may exist based on compelling legal or humanitarian circumstances that could justify leaving Kosovo for a specific amount of time while serving the remainder of a sentence. The President simply does not consider that a short holiday constitutes a valid reason to interrupt the remainder of the sentence of imprisonment which Mr Shala is serving under specific conditions in Kosovo.

12. Mr Shala refers to Article 8 of the European Convention on Human Rights ("ECHR") and Article 2 of Protocol No. 4 of the ECHR but does not cite to any jurisprudence suggesting how or whether his rights have been infringed by the Decision on Request.²⁰ Further, Mr Shala does not point to any case law wherein the ECHR has interpreted the right to liberty or private life as *granting a general entitlement*

¹⁶ Request for Reconsideration, para. 9.

¹⁷ Request for Reconsideration, para. 13.

¹⁸ See Request for Reconsideration, para. 15.

¹⁹ Decision on Request, para. 5.

²⁰ See generally Request for Reconsideration.

to leisure travel or holidays outside of the location of conditional release specified in a release decision. To that end, the President was not required to assess whether the decision denying him leave to go on vacation outside Kosovo was proportionate. Indeed, Mr Shala is still serving the remainder of his sentence of imprisonment under conditions in Kosovo.

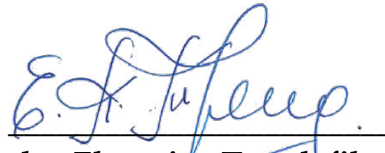
13. Mr Shala continues to be able to move throughout Kosovo; he could choose to go on vacation within his own country and is able to see and spend time there with his family. It is worth noting that the Decision modifying his sentence and allowing him to serve the remainder of his sentence under certain conditions in Kosovo grants him far greater liberties and allows greater accesses to his family than he previously had if he would have remained at the detention unit in The Hague. Moreover, the conditions applied to his release will cease to exist in a few months on 11 December 2026 when his sentence will be complete. At that time, Mr Shala will be free to vacation wherever he is able to travel. The President reiterates the view that a vacation is not a sufficiently compelling basis to allow Mr Shala to leave Kosovo while completing his sentence of imprisonment.

14. The President therefore finds that Mr Shala has failed to demonstrate that exceptional circumstances exist which merit reconsideration of the Decision on the Request, or that there exists a clear error of law or reasoning. The President accordingly denies the Request for Reconsideration in its entirety.

IV. DISPOSITION

15. In view of the above, the President hereby

- a) **DENIES** the Request for Reconsideration; and
- b) **REMINDS** Mr Shala to abide by all the conditions set forth in the Decision.



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

Dated Wednesday, 29 July 2026
At The Hague,
The Netherlands