



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2023-11  
**The Specialist Prosecutor v. Haxhi Shala**

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Date:** 4 December 2023

**Language:** English

**Classification:** Public

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**Public Redacted Version of Order for Transfer to Detention Facilities of the  
Specialist Chambers**

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**Specialist Prosecutor**

Kimberly P. West

**Counsel for Sabit Januzi**

Jonathan Elystan Rees

**To be served on**

Haxhi Shala

**Counsel for Ismet Bahtijari**

Felicity Gerry

James O'Keefe

**Counsel for Haxhi Shala**

Toby Cadman

John Cubbon

I, **Judge Nicolas Guillou**, Pre-Trial Judge of the Kosovo Specialist Chambers, assigned by the President of the Specialist Chambers pursuant to Article 33(1)(a) of the Law No. 05/L-53 on Specialist Chambers and Specialist Prosecutor's Office ("Law");

**BEING SEISED** of the strictly confidential and *ex parte* "Submission of Indictment for Confirmation and Related Requests", dated 20 November 2023, of the Specialist Prosecutor's Office ("SPO");

**HAVING CONFIRMED** in the "Decision on the Confirmation of the Indictment", dated 4 December 2023, the Indictment, and having found therein that there is a well-grounded suspicion that Haxhi Shala ("Mr Shala") committed or attempted to commit, either alone or in co-perpetration, agreed to commit, or assisted in the commission of offences within the jurisdiction of the Specialist Chambers ("SC"), namely the offences of intimidation during criminal proceedings under Article 387 of the 2019 Kosovo Criminal Code, Code No. 06/L-074 ("KCC"), and obstructing official persons in performing official duties within the meaning of Article 401(1), (2) and (5) of the KCC, in violation of Article 15(2) of the Law;

**HAVING FOUND** that there are articulable grounds to believe that Mr Shala's arrest is necessary;

**HAVING ISSUED** an arrest warrant against Mr Shala, born on 17 March 1970, in Banje, Malisheve, Kosovo, a Kosovan citizen (Personal Identification Number [REDACTED]);

**NOTING** the "Decision Invoking a Change of Venue to the Host State" dated 22 November 2023, wherein the President of the SC relocated the present proceedings to the Netherlands ("Host State");

**PURSUANT TO** Articles 3(8)(a) and (d), 39(3), 41(5) and (7), 53 and 55 of the Law, Rules 50 and 55(4)-(6) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers;

**ORDER** the Registrar to transmit the present transfer order to Kosovo, any relevant (transiting) Third State, as the case may be, and the Host State;

**ORDER** the Registrar to make the necessary arrangements for the prompt transfer of Mr Shala to the detention facilities of the SC in the Host State, in coordination with the SPO and the competent authorities of Kosovo, as well as any relevant (transiting) Third State, as the case may be, and the Host State;

**ORDER** the Registrar, when transmitting the present transfer order, to seek assistance for, in particular: (i) the safe and unobstructed passage of Mr Shala and accompanying officers, as well as any and all possessions of the aforementioned persons through border control and other checkpoints; (ii) accepting travel and identification documents issued by the Host State or the SC; as well as (iii) ensuring the safety and security of any aircraft and/or other means of transportation utilised for any such transfer, and facilitating the unobstructed passage through national border controls of its crew, if required;

**AUTHORISE** the Registrar to direct the competent Kosovo authorities to provide any relevant details or information regarding the transfer of Mr Shala to the Registrar, recalling that, given the primacy of the SC over all other courts in Kosovo, the Kosovo authorities shall comply with the present order, in accordance with Article 53(2) and (3) of the Law, thus effectuating Mr Shala's transfer; and recalling that, should any entity, official of the Kosovo Government or any other person in Kosovo obstruct the execution of the present order or violate any of its conditions, this may constitute an offence pursuant to Article 15(2) of the Law;

**AUTHORISE** the Registrar to request the competent authorities of any relevant (transiting) Third State, as the case may be, to provide their assistance for effectuating the transfer of Mr Shala, in accordance with Article 55 of the Law. In this regard, should any technical or logistical difficulties or impediments arise in the execution of this order, the competent state authorities are invited to raise any such issues with the representatives of the SPO and/or Registry, as the case may be;

**ORDER** the Registrar to take all necessary measures to ensure operational security and the security and safety of Mr Shala and any accompanying court officers and other staff during transfer until arrival at the place of detention in the Host State, including issuing the necessary requests to the Host State and (transiting) Third States;

**DECIDE** that the present order, currently classified as strictly confidential, may be communicated, or its existence be revealed, to any competent authority of Kosovo, a (transiting) Third State, as the case may be, and the Host State, as necessary for the execution of the transfer order; and

**ORDER** the SPO to transmit to the Registrar all available information that may be of assistance in the execution of the transfer order, as well as any information of relevance to assessing any risks to victims and witnesses associated with the arrest and transfer of Mr Shala.



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**Judge Nicolas Guillou**

**Pre-Trial Judge**

Dated this Monday, 4 December 2023

At The Hague, the Netherlands.