



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

~~CONFIDENTIAL~~
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File number: KSC-SC-2025-01/CS002

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 19 February 2025

Language: English

Classification: Confidential

**Decision on Commutation, Modification or Alteration of Sentence
with Confidential and *Ex Parte* Annexes**

Specialist Prosecutor:

Kimberly P. West

Counsel for Ismet Bahtijari:

Felicity Gerry

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 with the Judges of the sentencing Panel, hereby issues this decision on the commutation, modification or alteration of Mr Ismet Bahtijari’s 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 Bahtijari, 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 two years of imprisonment, with credit for time served.¹
2. On 4 February 2025, the Registrar notified the President, pursuant to Article 3(3) of the Practice Direction, that Mr Bahtijari will become eligible for commutation of his sentence on 5 February 2025, after having served two-thirds of his sentence.²
3. On 5 February 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.³
4. On 6 February 2025, the Defence filed the “Bahtijari Request to the President for Early Release” (“Bahtijari’s First Request”), wherein Mr Bahtijari requests the

¹ Transcript, 4 February 2025, pp. 616-617.

² KSC/REG/IOR/7630, Notification of Eligibility of Mr Ismet Bahtijari for Commutation of Sentence, 4 February 2025 (confidential).

³ KSC/CHA/PRE/0998, Notice of Commutation of Sentences Messrs Sabit Januzi and Ismet Bahtijari, File No. KSC-SC-2025-01/CS001 and KSC-SC-2025-01/CS002, 5 February 2025 (confidential).

following relief:

- the State of Kosovo, as the State of Enforcement, to notify the [Specialist Chambers] whether Mr Bahtijari is eligible for commutation of sentence under the domestic laws of the State concerned; - the Registrar to inform Mr Bahtijari that he has become eligible for commutation of sentence and ensure that he has been provided with a copy of Practice Direction in a language he understands, and inform him about the steps taken in this regard; - the Registrar to submit within less than the usual 21 days, and on an urgent basis, the relevant information to the President by complying with Article 1(a) to (f) of the Practice Direction; - set the earliest possible date to receive further written submissions from Mr Bahtijari pursuant to Article 5(3) of the Practice Direction; and - set the earliest possible date to receive Trial Panel I Judges' views on the commutation of sentence pursuant to Article 6(2) of the Practice Direction.⁴

5. On 7 February 2025, the Defence filed the "Bahtijari Request to the President to depart from the deadlines specified in the Practice Direction on Commutation of Sentence" ("Bahtijari's Second Request"), wherein Mr Bahtijari requests the following relief:

- DEPART from the deadlines specified in the Practice Direction and to order Mr Bahtijari's immediate release; - Alternatively, INSTRUCT the Registrar to provide the relevant information to the President by complying with Article 1(a) to (f) of the Practice Direction by 13 February 2025 and INSTRUCT Trial Panel I's Judges to provide their views on Mr Bahtijari's commutation of sentence by 16 February 2025 pursuant to Article 6(2) of the Practice Direction.⁵

6. On 12 February 2025, the Registrar conveyed to the President the information collected pursuant to Rule 196(3) of the Rules and Article 5(1) of the Practice Direction.⁶ Specifically, the Registrar included: (i) a report from the Detention Management Unit ("DMU" and "DMU Report"); (ii) a report from the Specialist Prosecutor's Office ("SPO" and "SPO Report"); and (iii) the Registrar's own submissions ("Registrar's Submissions").

7. On 12 February 2025, the President provided all the information received to the Judges of the sentencing Panel in accordance with Article 51(2) of the Law, Rule 196(1)

⁴ KSC-BC-2023-10/F00676, Bahtijari Request to the President for Early Release, 6 February 2025 (confidential), para. 46.

⁵ KSC-BC-2023-10/F00678, Bahtijari Request to the President to depart from the deadlines specified in the Practice Direction on Commutation of Sentence, 7 February 2025 (confidential), para. 28.

⁶ KSC/REG/IOR/7660, Requested Information Related to Article 5 of the Practice Direction on Commutation of Sentence Concerning Mr Ismet Bahtijari, 12 February 2025 (confidential).

of the Rules and Article 6 of the Practice Direction and sought their views on Mr Bahtijari's commutation of sentence or alternatively, on the modification or alteration of his sentence to include conditions imposed upon his release as provided for in Articles 10 and 11 of the Practice Direction.⁷

8. On 17 February 2025, the SPO filed the "Prosecution Response to Bahtijari's Request for Early Release".⁸

9. On 18 February 2025, the Defence filed "Bahtijari Observations to the President on Commutation of Sentence", wherein Mr Bahtijari requests his immediate release ("Bahtijari's Third Request").⁹

10. Given the nature of the proceedings, the President did not consider it necessary to convene an oral hearing.

II. ANALYSIS

11. At the outset, the President notes that Mr Bahtijari made three submissions regarding the commutation of his sentence with several requests and assumptions which reveal certain misconceptions regarding the procedure to be followed.

12. The President reminds that persons convicted by the Specialist Chambers become eligible for *consideration* of commutation of sentence upon having served two-thirds of their sentence.¹⁰ Eligibility denotes consideration and *not an inherent right* to commutation after having served two-third of a sentence. Thus, commutation, modification or alteration of a sentence is a discretionary decision for the President to

⁷ KSC/CHA/PRE/1003, Commutation of Sentence – Mr Ismet Bahtijari, 12 February 2025 (confidential).

⁸ KSC-BC-2023-10/F00681, Prosecution Response to Bahtijari's Request for Early Release, 17 February 2025 (confidential).

⁹ F00001, Bahtijari Observations to the President on Commutation of Sentence, 18 February 2025 (confidential).

¹⁰ See Article 51(2) of the Law; Rule 196(2) of the Rules; Article 3(1) of the Practice Direction; KSC-SC-2023-01/CS001/F00002, Decision on Commutation, Modification or Alteration of Sentence with confidential and *Ex Parte* Annexes, 12 October 2023 (confidential), para. 9 ("Gucati Decision").

take in consultation with the judges of the Specialist Chambers on the basis of the “interests of justice and general principles of law”,¹¹ and in accordance with the procedure set forth in the legal framework of the Specialist Chambers. There is also no “burden of proof” on the part of the President to demonstrate that the person has not fulfilled the criteria for release on conditions.¹²

13. 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 and *not* the judgments rendered by the competent Panels.¹³

14. Further, before taking a decision the President consults the views of the Judges of the sentencing Panel without, however, engaging with their analysis in her decision. 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 present that warrant the commutation, modification or alteration of Mr Bahtijari’s sentence.

a) Genuine dissociation from the crime

15. Although the Registrar submits that Mr Bahtijari has not made any reported expression of remorse or regret to DMU staff members regarding the crimes he has been convicted of,¹⁴ in Bahtijari’s First Request, the Defence points out that Mr Bahtijari “has expressed genuine remorse during the hearing on plea agreement on 19 December 2024”.¹⁵

16. In this context, the President notes the comments of Mr Bahtijari referred to in

¹¹ Article 51(2) of the Law.

¹² Gucati Decision, para. 9.

¹³ Gucati Decision, para. 10.

¹⁴ Registrar’s Submissions, para. 30.

¹⁵ Bahtijari’s First Request, para. 23.

the Registrar's Submissions when asked by the Trial Panel "if he feels any remorse for his actions according to the agreed facts and whether or not he thinks his actions were wrong or bad".¹⁶ Mr Bahtijari stated:

Presiding Judge: "what I heard. Do you confirm that what you did was wrong? Is that what you're saying? I don't want to put words in your mouth, but are you saying that you now consider that it's wrong what you did back then?"

Mr Bahtijari: "That's correct."¹⁷

17. Moreover, the DMU Report reflects that Mr Bahtijari understands why he was convicted and why he is in detention.¹⁸

18. The SPO does not make any submissions on any genuine disassociation by Mr Bahtijari from his crimes, but only state that before the plea agreement and at the stage when Mr Bahtijari gave a voluntary statement, he denied any wrongdoing and lied to the SPO.¹⁹

19. In view of the above and coupled with the plea agreement, through which Mr Bahtijari acknowledges his wrongdoing, the President considers these expressions of regret to be genuine and that Mr Bahtijari has chosen to disassociate himself from his actions.

20. Accordingly, the President finds that this factor weighs in favour of a possible commutation, modification or alteration of Mr Bahtijari's sentence.

b) Demonstration of rehabilitation

21. Mr Bahtijari submits that he has shown clear signs of rehabilitation including good character, integrity, and care for others, all of which show "real prospect for

¹⁶ Registrar's Submissions, para. 31.

¹⁷ Registrar's Submissions, para. 31.

¹⁸ DMU Report, para. 8.

¹⁹ SPO Submissions, para. 8.

rehabilitation”.²⁰

22. Mr Bahtijari’s signs of rehabilitation have been confirmed in the Registrar’s Submissions, particularly the DMU Report, where it has been pointed out that he “has displayed a friendly, responsible and respectful behaviour” and that he “has not [shown] any aggressive, inappropriate or self-harm behaviour [or were subjected] to any disciplinary measures [or] formally cautioned”.²¹ Moreover, Mr Bahtijari shows other signs of rehabilitation through his integration with activities in the Detention Facilities, behaviour while performing certain tasks, and his reaction towards criticism.²²

23. The President therefore considers that Mr Bahtijari has shown clear signs of rehabilitation and finds that this factor weighs in favour of a possible commutation, modification or alteration of Mr Bahtijari’s sentence.

c) Prospect of resocialisation and successful resettlement

24. Mr Bahtijari contends that he has established ties with his family and community and has benefitted from their constant moral support, which indicate a likelihood of successful resocialisation and resettlement after his release.²³

25. The DMU Report confirms Mr Bahtijari has an established family connection, wide social network and stable living environment, which could support integrating back into normal life and his resocialisation after release.²⁴

26. The President is of the view that Mr Bahtijari’s close family ties and social network will likely assist him in adapting and integrating in Kosovo if released.

²⁰ Bahtijari First Request, paras 25-26.

²¹ DMU Report, paras 9-14.

²² DMU Report, paras 15-21.

²³ Bahtijari’s First Request, paras 25-27.

²⁴ DMU Report, paras 23, 25.

27. The President therefore considers this information as a positive factor when assessing whether to grant Mr Bahtijari's commutation, modification or alteration of his sentence.

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

28. Mr Bahtijari contends that the offenses he has been convicted for "did not have a permanent or serious consequences [sic] for public order or the administration of justice" and that Mr Bahtijari's role and action was limited to an offer or a gift through one visit to the witness over a short period of one week.²⁵

29. The SPO submits that the offences for which Mr Bahtijari has been convicted for are "a grave challenge to the security and integrity of judicial proceedings" and that Mr Bahtijari's interference was "substantial".²⁶ They further contend that the impact of these offences have a "chilling effect on the public confidence in the effectiveness of [Specialist Chambers'] orders and decision, including those relating to protective measures."²⁷ The SPO submits that these facts accordingly militate against commutation of Mr Bahtijari's sentence.²⁸

30. The President notes that even though Mr Bahtijari's conduct, as agreed in the plea agreement, was in the form of an offer of a benefit, and not in the form of a direct threat or harm to the witness, it cannot be concluded, as suggested in Mr Bahtijari's First Request, that such conduct does not have a permanent or serious consequence for the administration of justice. To the contrary, the paramount issue at stake is that such conduct results in compromising the integrity of the administration of justice and its impartial fact-finding process. This risk is present irrespective of whether violence and overt threats or more subtle inducements are employed. Although different

²⁵ Bahtijari First Request, paras 28-29.

²⁶ SPO Report, paras 3-4.

²⁷ SPO Report, para. 5.

²⁸ SPO Report, paras 3-7.

means of influence may have varying immediate effects on an individual witness, the accused's ultimate goal is to manipulate the outcome of an independent and impartial process through criminal means. Such interference undermines the broader legitimacy of a fair and effective judicial system. In this context, any conduct directed against a witness must be understood not as an isolated act against a specific individual, but rather as a tool intended to subvert the overall integrity of the judicial process.

31. But even with respect to the persons concerned, Mr Bahtijari's conduct had negative effects on a specific witness and his family, let alone on other witnesses who may appear before the Specialist Chambers. The President further notes that the gravity of the offences against the administration of justice, particularly the intimidation of witnesses, has been endorsed in the jurisprudence of the Specialist Chambers and that Mr Bahtijari's conduct regardless of its form does not diminish the specific gravity of the offence.

32. Furthermore, the President considers that the statements of Victim 1, that the release of Mr Bahtijari would not raise concerns for his or his family's safety, do not have any impact on considerations of the gravity of the offence, given that the protected value underlining the prohibition of offences against the administration of justice is primarily preserving the integrity of the administration of justice.

33. The President therefore finds that this factor weighs against commutation of Mr Bahtijari's sentence.

e) Treatment of similarly situated prisoners

34. The DMU Report reflects that in two previous cases before the Specialist Chambers, sentences were reviewed once the convicted persons had served two-

thirds of their sentences.²⁹

35. The President observes that this is the fourth occasion where persons convicted by the Specialist Chambers have served two-thirds of their sentences. Accordingly, the President finds that there are similarly situated prisoners, which is a positive factor that weighs for commutation, modification or alteration of Mr Bahtijari's sentence.

f) Whether release would give rise to significant social instability

36. Mr Bahtijari submits that his release will not have an impact on the "social situation and the public order in Kosovo", as he is a person with no political involvement.³⁰

37. The Registrar submits that following an assessment undertaken by the Safety and Security Unit ("SSU"), the release of Mr Bahtijari would "elicit a limited public reaction [and that] the probability of this resulting in a level of civil disorder that could be considered significant social instability is expected to be very low".³¹ Moreover, Mr Bahtijari does not have such a profile or politicised role that could be considered to give rise to significant social instability.³²

38. The President notes that the SSU undertook a thorough risk analysis in this respect, to which she attaches considerable weight. Having considered the information before her, the President is of the view that the risk for significant social instability in Kosovo upon Mr Bahtijari's release is very low.

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

²⁹ DMU Report, para. 26.

³⁰ Bahtijari First Request, para. 31.

³¹ Registrar's Submissions, para. 16.

³² Registrar's Submissions, paras 17-19.

g) Any substantial cooperation with the SPO

40. Mr Bahtijari submits that he has cooperated with the SPO all the way since his arrest and that his cooperation should be seen beyond the mere admission of guilt.³³

41. The SPO contends that Mr Bahtijari's limited cooperation in the form of concluding a plea agreement only came after significant litigation and only shortly before the commencement of the trial and that this sort of cooperation has already been given credit pursuant to Rule 163(2) of the Rules and therefore should not constitute a factor to be taken into consideration militating in favour of commutation.³⁴

42. The President agrees with the SPO that the plea agreement itself was sufficiently acknowledged and credit given pursuant to Rule 163(2) of the Rules and that this factor alone cannot be taken into consideration militating in favour of commutation.

43. The President observes that there is no indication that Mr Bahtijari provided further cooperation to the SPO beyond the plea agreement. Accordingly, the President considers that this is a neutral factor when assessing whether to grant Mr Bahtijari commutation, modification or alteration of his sentence.

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

44. Mr Bahtijari submits that he has not been in a position to enable the enforcement of judgments and orders of the Specialist Chambers.³⁵

45. The Registrar stated that there is no information available regarding any voluntary assistance of Mr Bahtijari in enabling the enforcement of Specialist

³³ Bahtijari First Request, para. 22.

³⁴ SPO Report, para. 8.

³⁵ Bahtijari First Request, para. 33.

Chambers judgments and orders in other cases.³⁶

46. Since Mr Bahtijari was not in position to provide any assistance regarding the enforcement of Specialist Chambers judgments and orders in other cases, the President is of the view that this is as a neutral factor in her consideration for commutation, modification or alteration of Mr Bahtijari's sentence.

- i) Any significant action taken by the convicted person for the benefit of victims as well as any impact on the victims and their family in case of commutation, modification or alternation of sentence

47. Mr Bahtijari submits that he is the only convicted person who was not ordered by the Trial Panel to pay reparations, and he is committed not to contact the victim any further as a form of benefit for said victim.³⁷

48. The Registrar submits that Victim 1 considers that Mr Bahtijari's release "does not raise concerns [...] with regard to [his] safety or the safety of [his] family".³⁸

49. Since Mr Bahtijari was not ordered by the Trial Panel to pay any reparation to Victim 1, the President will consider this a neutral factor in assessing Mr Bahtijari's commutation, modification or alteration of his sentence.

- j) The individual circumstances of the convicted person

50. The President notes that no significant information was submitted under this factor and accordingly it will be considered neutral in the assessment of Mr Bahtijari's commutation, modification or alteration of his sentence.

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

³⁶ Registrar's Submissions, para. 20.

³⁷ Bahtijari First Request, para. 33.

³⁸ Registrar's Submissions, para. 21.

alteration of sentence

51. The SPO contends that numerous other witnesses are still scheduled to testify in the *Thaçi et al.* case through April 2025, which is an added reason to ensure that Mr Bahtijari serves his full sentence “as this would mean that [he] continue[s] to be imprisoned while important evidence is heard by the court”.³⁹

52. The President is not persuaded by the SPO’s general submissions that any commutation, modification or alteration of sentence should depend on the evidence that is being heard in other cases, without alluding to any detailed circumstances or risks. The President further observes that the SPO case against *Hashim Thaçi et al.* will most likely close in April 2025.⁴⁰ Furthermore, the SPO submissions are too general in order to be construed as a justified concern that Mr Bahtijari would reoffend while evidence is being heard before the Specialist Chambers. Accordingly, the President does not deem this information relevant for her consideration of commutation, modification or alteration of Mr Bahtijari’s sentence.

III. COMMUTATION OF SENTENCE

53. The President notes 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.

54. The President recalls that Mr Bahtijari entered a guilty plea and concluded a plea agreement. Mr Bahtijari has shown positive signs that he has disassociated himself from the offences for which he was convicted, has expressed his intention to refrain from committing any offences against the administration of justice in the future, and has behaved positively while detained at the Detention Facilities. However, the offences for which he was convicted are grave regardless of the

³⁹ SPO Report, para. 10.

⁴⁰ Transcript 1 October 2024, p. 20535.

relatively low sentence he received.

55. 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. Given the nature of the offences for which Mr Bahtijari was convicted and the chilling effect his actions had on potential future witnesses, and having considered the interests of justice and general principles of law in light of the facts of his case, the President does not consider commutation of sentence appropriate. Accordingly, the President shall not grant Mr Bahtijari a commutation of his sentence.

56. The President will therefore decide whether to modify or alter Mr Bahtijari's sentence in accordance with Article 51(2) of the Law and Article 10 of the Practice Direction.

IV. MODIFICATION OR ALTERATION OF THE SENTENCE

57. According to Article 51(2) of the Law in conjunction 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 of a convicted person by ordering his release under certain specific conditions. Such conditions shall apply for the duration of the term of imprisonment imposed on the convicted person or any other earlier specified date.⁴¹ In accordance with 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.

58. The President considers that the offences of which Mr Bahtijari was convicted are indisputably grave given the impact of witness intimidation on the administration

⁴¹ See Article 11(1) of the Practice Direction.

of justice. However, the President finds that there are a number of factors that weigh in favour of the modification of Mr Bahtijari's sentence by way of release, albeit with conditions.

59. The President recalls that: (i) Mr Bahtijari entered a guilty plea and accordingly concluded a plea agreement and has shown genuine signs of disassociation from the offences for which he was convicted; (ii) Mr Bahtijari has demonstrated positive signs of rehabilitation; (iii) the likelihood that Mr Bahtijari's release would give rise to significant social instability in Kosovo is low; (iii) Mr Bahtijari has stable familial and social ties, which would help him reintegrate back into Kosovo; and (iv) the mental difficulties associated with being away from his family, particularly his mother, who is in poor health. The President notes that Mr Bahtijari has further firmly stated that he will abide by any conditions imposed on his release.⁴²

60. The President considers that Mr Bahtijari has had the opportunity to reflect on his actions while serving over two-thirds of his sentence and finds that Mr Bahtijari's expressions of regret before the Trial Panel was genuine.

61. Accordingly, while the sentence of Mr Bahtijari stands as pronounced by the Trial Panel, the President is of the view that the sentence should be modified to include Mr Bahtijari's release with conditions. The President notes that the conditions to be put in place will give Mr Bahtijari an opportunity to demonstrate that he continues on his path toward full rehabilitation and that he will abide by any orders issued by the Specialist Chambers in the future, where applicable.

62. In view of the foregoing, and having considered the totality of the information before her as well as the views of the Judges of the sentencing Panel, the President determines that the following conditions will apply to Mr Bahtijari's release in accordance with Article 11(1) of the Practice Direction for the remainder of the

⁴² Bahtijari First Request, paras 42-43.

duration of the sentence pronounced by the Trial Panel:

- a) assurance of permanent residency at the home address set forth in the Registrar's Submissions;⁴³
- b) notification to the Registrar and to the police station identified by the Registrar of any relocation of the permanent residence, subject to permission thereof granted by the President;
- c) weekly reporting to the police station identified by the Registrar;
- d) surrender of Mr Bahtijari's passport or travel documents to the Registrar;
- e) to remain in Kosovo and notify the Registrar of any wish to travel outside Kosovo and request for permission thereof to be granted by the President;
- f) refraining from any contact or communication with Victim 1 and the spouse, their family and other relatives;
- g) refraining from any contact or communication with (potential) witnesses or victims before the Specialist Chambers and SPO;
- h) refraining from making any direct or indirect public statements about the Specialist Chambers and SPO;
- i) requesting permission and approval from the Registrar in the event of conducting an interview with the media as provided for in the Practice Direction on Detainees (Media Communications);
- j) abiding by any decision or order of the Specialist Chambers; and
- k) refraining from making negative, violent, intimidating, threatening or

⁴³ Registrar's Submissions, para. 13.

coercive comments towards or about (potential) witnesses or other persons who are at risk on the account of their cooperation with the Specialist Chambers, officials of the Specialist Chambers or the SPO.

63. The President emphasises that the conditions, set forth above, on Mr Bahtijari's release remain in place for the remaining duration of the two-year sentence imposed on him by the Trial Panel, namely until 4 October 2025. The President further emphasises that failure by Mr Bahtijari to comply with any of the conditions set forth in paragraph 62 shall result in the revocation or modification of the present decision in accordance with Article 11(2) of the Practice Direction.

V. CONCLUSION

64. Having carefully considered the information before her, including the views of the Judges of the sentencing Panel, as well as the interests of justice and general principles of law in light of the facts of this case, the President finds that commutation of sentence is not appropriate. Instead, the President will modify Mr Bahtijari's sentence to provide for his release with the conditions set forth in paragraph 62 above.

65. The President notes in this respect that the offences for which Mr Bahtijari has been convicted are grave and that while he has shown genuine signs of disassociation from his offences and some positive signs of rehabilitation, it is important to ensure that by way of abiding by the conditions specified in paragraph 62 above, Mr Bahtijari continues down this road to full rehabilitation and disassociation. Given that the sentence is herewith modified, any consideration for an alteration of the sentence is moot.

66. Finally, with respect to Mr Bahtijari's First Request, Second Request, and Third Request, the President considers that by rendering this decision, the reliefs sought therein become moot.

VI. DISPOSITION

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

DECIDES that commutation of Mr Bahtijari's sentence is not appropriate and is thus not granted;

DECIDES to modify Mr Bahtijari's sentence by releasing him with the conditions set forth in paragraph 62 above;

DECIDES that, subject to the transfer arrangements by the Registrar, Mr Bahtijari be released on 21 February 2025 to his permanent residence at the home address set forth in the Registrar's Submissions;

ORDERS Mr Bahtijari to abide by the conditions set forth in paragraph 62 above;

ORDERS the Registrar to take all necessary measures to ensure the transfer of Mr Bahtijari to his home address and the conditions set forth in paragraph 62 above;

ORDERS the Kosovo police or any other authority of Kosovo to cooperate pursuant to Article 53(1) of the Law with the Registrar on the enforcement of the conditions set forth in paragraph 62 above and to provide a monthly report to the Registrar on the adherence by Mr Bahtijari to the condition set forth in paragraph 62(c) above;

ORDERS the Registrar to report to the President on a bi-monthly basis on the adherence of Mr Bahtijari to the conditions set forth in paragraph 62 above until the conclusion of his sentence of two years, namely on 4 October 2025, or sooner if a breach of the conditions has occurred;

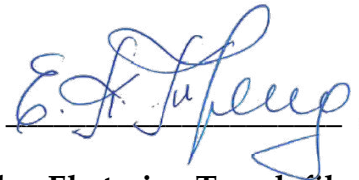
ORDERS the Court Management Unit ("CMU") to serve this decision on Mr

Bahtijari, his Counsel and the Specialist Prosecutor only upon confirmation of Mr Bahtijari's arrival in Kosovo;

ORDERS CMU to reclassify this decision as public upon confirmation from the Registrar of Mr Bahtijari's arrival at his designated location of release;

ORDERS the CMU to ensure that the Annexes to this decision remain confidential and *ex parte*; and

REJECTS Mr Bahtijari's First Request, Second Request and Third Request as moot.



Judge Ekaterina Trendafilova,
President of the Specialist Chambers

Dated this Wednesday, 19 February 2025
At The Hague,
The Netherlands