



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

File number: KSC-SC-2025-05/CS002

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 28 February 2025

Language: English

Classification: Public

Decision on Bahtijari's Request for Clarification

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, Rules 82 and 197(2) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“RPE”) and Article 9(2) of the Practice Direction on Commutation of Sentences, hereby renders the decision on Mr Ismet “Bahtijari[’s] Request for Clarification” (“Request”).¹

I. PROCEDURAL BACKGROUND

1. On 19 February 2025, the President issued the “Decision on Commutation, Modification, or Alteration of Sentence with Confidential and *Ex Parte* Annexes” (“Decision”),² in which she provided for Mr Bahtijari’s early release to Kosovo subject to the conditions specified therein. The President also ordered the Court Management Unit (“CMU”) to notify the Decision to Mr Bahtijari and his Counsel upon Mr Bahtijari’s arrival on 21 February 2025 in Kosovo.³ The President further ordered the Registrar to take all necessary measures to ensure the transfer of Mr Bahtijari to his home address in Kosovo.⁴

2. On 20 February 2025, and in preparation for the transfer, the Chief of the Detention Unit informed Mr Bahtijari about the Decision and provided him with a copy in the Albanian language of the conditions and the disposition in the Decision.⁵ Mr Bahtijari was transferred safely to Kosovo and released on 21 February 2025.⁶

3. On 25 February 2025, Counsel for Mr Bahtijari filed the Request, wherein she

¹ F00004, Bahtijari Request for Clarification, 25 February 2025 (confidential).

² F00002, Decision on Commutation, Modification or Alteration of Sentence with Confidential and *Ex Parte* Annexes, 19 February 2025 (confidential). The decision was reclassified as public on 21 February 2025, a corrected version filed on 25 February 2025.

³ Decision, Disposition.

⁴ Decision, Disposition.

⁵ F00005, Registrar’s Submissions Regarding F00004 with three confidential and *Ex Parte* Annexes (“Registrar’s Submissions”).

⁶ F00003, Notification of Ismet Bahtijari’s Transfer to Kosovo, 21 February 2025, para. 2.

requests the President to clarify and reason the order to the CMU to notify Mr Bahtijari and his Counsel of the Decision “only upon confirmation of Mr Bahtijari’s arrival in Kosovo”.⁷

4. On 27 February 2025, the President received the Registrar’s Submissions.

II. DISCUSSION

5. Mr Bahtijari’s Counsel submits that without having been notified of the Decision, Mr Bahtijari was asked “to pack personal belongings and board a plane without having the benefit of the contents of the order”,⁸ that he “may have been left in the dark as to his final destination and the reasons for his departure” and that “he did not have the benefit of a court order for his own protection on travel, nor the reassurance that his transfer was lawful, nor the benefit of advice from his legal team.”⁹ Mr Bahtijari therefore requests the President to clarify the order to serve the Decision on him and his Counsel only upon confirmation of Mr Bahtijari’s arrival in Kosovo and “give reasons for the denial of receipt of the court order and denial of legal advice on the process.”¹⁰

6. The President observes that Counsel for Mr Bahtijari has presented submissions that are not only devoid of factual support, but are also contradicted by facts within her knowledge, rendering Counsel’s claims, in particular that Mr Bathijari did not have any knowledge of the destination or the legality of his transfer, misleading and untenable.

7. Indeed, Mr Bahtijari was not only informed of the outcome of the commutation procedure and the Decision, but was also provided with a copy of the conditions and the disposition of the Decision in the Albanian language. He further received all

⁷ Decision, para. 67; Request, paras 1, 23.

⁸ Request, para. 18.

⁹ Request, para. 19.

¹⁰ Request, para. 23.

necessary logistical details regarding his upcoming transfer to Kosovo and his conditional release from the Chief Detention Officer on the evening of 20 February 2025.¹¹ Importantly, this detailed information was known to Counsel for Mr Bahtijari *prior* to the filing of the Request.¹² The submissions of Counsel for Mr Bahtijari are therefore not only factually inaccurate, they are knowingly misleading. Moreover, nowhere does the Decision order that Mr Bahtijari be denied legal advice during the transfer procedure. Importantly, there is no claim or information that Mr Bahtijari ever asked for such legal advice. The claim that he was denied legal advice is therefore unfounded.

8. In any event, the serving of the Decision to Mr Bahtijari and his Counsel only upon his arrival in Kosovo was necessary for operational planning and security reasons, specifically to ensure Mr Bahtijari's safety and security, and to prevent jeopardizing his secure and expeditious transfer to Kosovo.

9. The President further notes that Counsel for Mr Bahtijari is not claiming any harm to her client. Indeed, Mr Bahtijari was granted the early release as requested, was safely transferred to Kosovo and received by his son at an agreed location. Mr Bahtijari's Counsel rather complains for being notified of the Decision only upon the safe and secure arrival of Mr Bahtijari to his home and family in Kosovo. However, since the transfer of Mr Bahtijari has been executed successfully, the Request has no bearing on his rights or on the suffering of any prejudice. Moreover, as the claims that Mr Bahtijari was denied receipt of the Decision and legal advice are factually inaccurate, the relief sought is unfounded.

¹¹ See Registrar's Submissions, paras 4-5.

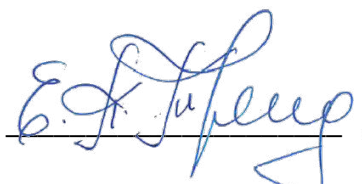
¹² See Registrar's Submissions, para. 7, Annex 2.

IV. DISPOSITION

11. For these reasons, the President hereby

DISMISSES the Request; and

ORDERS the Defence of Mr Bahtijari to file a public version of the Request, with redactions if necessary, by 6 March 2025.



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

Dated this Friday, 28 February 2025
At The Hague,
The Netherlands