



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSC-BC-2023-12

**The Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj, Isni  
Kilaj, Fadil Fazliu and Hajredin Kuçi**

**Before:** Pre-Trial Judge

Judge Marjorie Masselot

**Registrar:** Fidelma Donlon

**Date:** 24 July 2025

**Language:** English

**Classification:** Public

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**Decision on the Thaçi and Fazliu Requests for Certification to Appeal the  
“Decision on Preliminary Motions Alleging Defects in the Indictment”**

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**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Article 45(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law"), and Rule 77 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues the following decision.

## I. PROCEDURAL BACKGROUND

1. On 16 April 2025, following the Pre-Trial Judge's decision amending the decision confirming the original indictment<sup>2</sup> against Hashim Thaçi ("Mr Thaçi"), Bashkim Smakaj, Isni Kilaj, Fadil Fazliu ("Mr Fazliu") and Hajredin Kuçi (collectively "Accused") for offences against the administration of justice and public order – specifically, attempted obstruction of official persons in performing official duties, violating the secrecy of proceedings and/or contempt of court,<sup>3</sup> the Specialist Prosecutor's Office ("SPO") filed the amended confirmed indictment ("Amended Confirmed Indictment").<sup>4</sup>

2. On 24 June 2025, following preliminary motions alleging defects in the Amended Confirmed Indictment, submitted by the Defence for Mr Thaçi ("Thaçi

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<sup>1</sup> KSC-BC-2023-12, F00015, President, [Decision Assigning a Pre-Trial Judge](#), 6 June 2024, public.

<sup>2</sup> KSC-BC-2023-12, F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment* ("Confirmation Decision"), 29 November 2024, confidential, para. 313. A public redacted version was filed on 12 February 2025, [F00036/RED](#). On 12 February 2025, the Specialist Prosecutor appealed the Confirmation Decision, with leave of the Pre-Trial Judge, and on 3 April 2025, the Court of Appeals Panel rendered its decision on the Specialist Prosecutor's appeal and remanded one matter to the Pre-Trial Judge for further consideration, see KSC-BC-2023-12, F00149, Pre-Trial Judge, [Decision on Specialist Prosecutor's Request for Leave to Appeal the "Decision on the Confirmation of the Indictment"](#), 30 January 2025, public; IA002/F00012, Court of Appeals Panel, *Decision on the Specialist Prosecutor's Office's Appeal Against the Decision on the Confirmation of the Indictment*, 3 April 2025, confidential. A public redacted version of the main filing was submitted on 14 February 2025, [IA002/F00012/RED](#).

<sup>3</sup> KSC-BC-2023-12, F00260, Pre-Trial Judge, [Decision Amending the "Decision on the Confirmation of the Indictment" and Setting a Date for the Submission of Preliminary Motions](#), 14 April 2025, public.

<sup>4</sup> KSC-BC-2023-12, F00264, Specialist Prosecutor, [Submission of Amended Confirmed Indictment](#), 16 April 2025, public, with Annex 1, confidential (containing the confidential version of the Amended Confirmed Indictment), and [Annex 2](#), public (containing the public redacted version of the Amended Confirmed Indictment).

Defence”)<sup>5</sup> and the Defence for Mr Fazliu (“Fazliu Defence”),<sup>6</sup> the Pre-Trial Judge issued the “Decision on Preliminary Motions Alleging Defects in the Indictment” (“Impugned Decision”)<sup>7</sup> rejecting the preliminary motions.

3. On 2 July 2025, the Thaçi Defence and the Fazliu Defence requested leave to appeal the Impugned Decision (collectively “Defence Requests”).<sup>8</sup>

4. On 14 July 2025, the SPO responded to the Defence Requests (“SPO Response”).<sup>9</sup>

5. On 21 July 2025, the Thaçi Defence replied to the SPO Response.<sup>10</sup> The Fazliu Defence did not reply.

## II. SUBMISSIONS

### A. THAÇI DEFENCE

6. The Thaçi Defence requests leave to appeal the Impugned Decision on the following issue: whether “the Pre-Trial Judge erred in considering that the attempt charge requires fewer particulars than a commission charge” (“Thaçi Issue”).<sup>11</sup>

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<sup>5</sup> KSC-BC-2023-12, F00288, Thaçi Defence, [Thaçi Defence Motion on Defects in the Indictment](#), 8 May 2025, public.

<sup>6</sup> KSC-BC-2023-12, F00289, Fazliu Defence, [Fazliu Defence Challenge to the Form of the Indictment](#), 8 May 2025, public.

<sup>7</sup> KSC-BC-2023-12, F00347, Pre-Trial Judge, [Decision on Preliminary Motions Alleging Defects in the Indictment](#), 24 June 2025, public.

<sup>8</sup> KSC-BC-2023-12, F00358, Thaçi Defence, *Thaçi Defence Request for Certification to Appeal “Decision on Preliminary Motions Alleging Defects in the Indictment”* (“Thaçi Request”), 2 July 2025, public; F00359, Fazliu Defence, *Fazliu Defence Request for Certification to Appeal the Decision on Preliminary Motions Alleging Defects in the Indictment* (“Fazliu Request”), 2 July 2025, public.

<sup>9</sup> KSC-BC-2023-12, F00371, Specialist Prosecutor, *Consolidated Prosecution Response to Requests for Certification to Appeal Decision on Alleged Defects in the Form of the Indictment*, 14 July 2025, public.

<sup>10</sup> KSC-BC-2023-12, F00384, Thaçi Defence, *Thaçi Defence Reply to SPO Response to Request for Certification to Appeal “Decision on Preliminary Motions Alleging Defects in the Indictment”* (“Thaçi Reply”), 21 July 2025, public.

<sup>11</sup> Thaçi Request, heading III.A, and para. 12.

7. The Thaçi Defence recalls its submission that the Amended Confirmed Indictment had failed to provide particulars as regards the (i) official persons who were to be the victims of the attempted obstruction; (ii) official duties of those persons; (iii) mechanism by which alleged efforts to influence witnesses would have caused obstruction; and (iv) common action which obstruction is said to have been attempted.<sup>12</sup> It argues that the Pre-Trial Judge rejected the Thaçi Defence arguments in the Impugned Decision by considering that, since Mr Thaçi was not charged with committing obstruction, but *attempted* obstruction, it was not necessary to provide more particulars in the Amended Confirmed Indictment.<sup>13</sup> It submits that no authority in international criminal law requires for attempt a lower level of particularisation in an indictment than for commission and recalls that the level of specificity increases with the directness of the accused's involvement with the crimes, as it is in this case where Mr Thaçi is charged with personally having attempted the obstruction.<sup>14</sup> It also avers that, as a matter of principle, it is not clear why the charge of attempt would reduce the level of particularisation required, as it can be expected that the elements of the offence that have been executed, should be particularised precisely as for a commission charge.<sup>15</sup> In its view, and more significantly, to demonstrate intent, it is necessary to know the contours of what the offence would have been if it had been successfully carried out.<sup>16</sup>

8. The Thaçi Defence submits that the issue significantly affects the fair and expeditious conduct of the proceedings,<sup>17</sup> and that the immediate resolution of the issue would advance the proceedings.<sup>18</sup>

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<sup>12</sup> Thaçi Request, para. 8.

<sup>13</sup> Thaçi Request, para. 9.

<sup>14</sup> Thaçi Request, para. 10.

<sup>15</sup> Thaçi Request, para. 11.

<sup>16</sup> Thaçi Request, para. 11.

<sup>17</sup> Thaçi Request, paras 13-16.

<sup>18</sup> Thaçi Request, paras 17-19.

## B. FAZLIU DEFENCE

9. The Fazliu Defence requests leave to appeal the Impugned Decision on the following two issues:

- (i) “whether the Pre-Trial Judge erred in law by concluding that, because the offence charged is attempted obstruction, the SPO is relieved from specifying in the Indictment how the Accused’s conduct could prevent or impede the [Specialist Chambers]/SPO officials in their duties” (“Fazliu First Issue”); and
- (ii) “whether the Pre-Trial Judge erred in law by finding that the concurrent application of Article 28 of the 2019 Kosovo Criminal Code, Law No. 06/L-074 (“KCC”) alongside Article 401(2) of the KCC is legally untenable” (“Fazliu Second Issue”).<sup>19</sup>

10. As regards the Fazliu First Issue, the Fazliu Defence submits that, because the charge is attempted obstruction, the Pre-Trial Judge in the Impugned Decision found that the SPO is relieved from detailing in the Amended Confirmed Indictment how the Accused actually impeded or prevented the performance of specific Specialist Chambers (“SC”)/SPO officials.<sup>20</sup> In the view of the Fazliu Defence this finding conflates the absence of an obligation for the SPO to demonstrate actual obstruction, on one hand, with its obligation to adequately set forth how the alleged conducts were capable of causing the prohibited result in the first place.<sup>21</sup> According to the Fazliu Defence, the question of “how” is far from self-evident, considering that Mr Fazliu is not charged with discrete incidents and his alleged conduct underpinning Count 16 is not inherently unlawful.<sup>22</sup>

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<sup>19</sup> Fazliu Request, para. 2.

<sup>20</sup> Fazliu Request, paras 13, 18.

<sup>21</sup> Fazliu Request, para. 13.

<sup>22</sup> Fazliu Request, para. 18.

11. As regards the Fazliu Second Issue, the Fazliu Defence avers that Article 28 of the KCC informs any attempted crime, including Article 401(2) of the KCC, and argues that this is not a mere difference of opinion.<sup>23</sup> According to the Fazliu Defence, the interpretive ambiguity – if not a paradox – introduced by the Impugned Decision would lead to extensive debate at trial and, in case of conviction, the sentencing phase.<sup>24</sup>

12. Lastly, the Fazliu Defence submits that both issues significantly affect the fair and expeditious conduct of the proceedings as well as the outcome of the trial.<sup>25</sup> In its estimation, a prompt resolution of both issues via appellate intervention at this stage would decisively clarify these foundational legal standards, assist the Parties in their preparations and presentation of evidence, and minimise interruptions at trial.<sup>26</sup>

### C. SPO RESPONSE

13. As regards the Thaçi Issue, the SPO responds that the Thaçi Defence misrepresents the Impugned Decision and fails to articulate an appealable issue.<sup>27</sup> In the SPO's view, the Impugned Decision did not contain a finding that fewer particulars are required for attempt than commission, but correctly reflects the well-established principle that particulars required must be assessed *in concreto* and on a case-by-case basis, and the fact that, where elements of an offence are unfulfilled, particulars or facts relating to the unfulfilled elements may not be available.<sup>28</sup> It also recalls that the case alleges a pattern of conduct aimed at obstruction, rather than discrete incidents or actual obstruction.<sup>29</sup> The SPO claims that both the contours and

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<sup>23</sup> Fazliu Request, para. 16.

<sup>24</sup> Fazliu Request, para. 19.

<sup>25</sup> Fazliu Request, paras 17-19.

<sup>26</sup> Fazliu Request, para. 20.

<sup>27</sup> SPO Response, paras 2, 4, 9.

<sup>28</sup> SPO Response, para. 2.

<sup>29</sup> SPO Response, para. 2.

means of the attempted crime, namely manipulating the testimony of witnesses before the SC, are very clearly pled, and that the Pre-Trial Judge found it unnecessary to further provide an explanation of the myriad ways manipulated witness testimony could have obstructed SC/SPO officials in the performance of their duties.<sup>30</sup>

14. As regards the Fazliu First Issue, the SPO maintains that Mr Fazliu takes issue with a sentence in the Impugned Decision that addresses a pleading error raised by the Thaçi Defence and that, for this reason alone, the Fazliu First Issue could be dismissed.<sup>31</sup> The SPO also alleges that the Fazliu Defence misreads and merely disagrees with the Impugned Decision.<sup>32</sup> It claims that the Amended Confirmed Indictment clearly sets out Mr Fazliu's conduct<sup>33</sup> and that the Fazliu Defence actually challenges the sufficiency of his pleaded conduct to constitute a crime, which is a matter for trial.<sup>34</sup>

15. As regards the Fazliu Second Issue, the SPO alleges that the Fazliu Defence fails to establish an appealable issue as matters of interpretation of the legal elements are to be raised at trial.<sup>35</sup>

16. Lastly, the SPO claims that, having failed to establish an identifiable topic which is essential to be resolved by an Appeals Panel, the remaining Rule 77 requirements are also not met.<sup>36</sup> According to the SPO, the Defence Requests should be rejected.<sup>37</sup>

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<sup>30</sup> SPO Response, para. 3.

<sup>31</sup> SPO Response, para. 5.

<sup>32</sup> SPO Response, paras 6, 7, 9.

<sup>33</sup> In this context, the SPO claims that the Fazliu Defence adjusted its pleading in the course of this litigation, *see* SPO Response, footnote 15.

<sup>34</sup> SPO Response, paras 6, 11.

<sup>35</sup> SPO Response, paras 8, 9, 11.

<sup>36</sup> SPO Response, para. 10.

<sup>37</sup> SPO Response, para. 12.

#### D. THAÇI DEFENCE REPLY

17. The Thaçi Defence replies that it does not misrepresent the Impugned Decision as the Pre-Trial Judge explicitly relied on the fact that Mr Thaçi is charged only with attempted obstruction when finding that the SPO was not required to plead more specific particulars with regard to (i) the identification of official persons; (ii) such person's official duties; (iii) how Mr Thaçi's alleged conduct would have prevented or impeded the SC/SPO officials in the performance of their duties.<sup>38</sup> According to the Thaçi Defence, it must have notice of these aspects of the attempted obstruction in order to answer the charge, including the *mens rea* requirement.<sup>39</sup> Furthermore, with regard to the SPO's argument that the particulars in a given case must be assessed *in concreto* and on a case-by-case basis, the Thaçi Defence submits that this case is limited in scope and alleges close proximity (the accused's conduct, the small number of visitors, the limited number of witnesses), and for this reason should be highly particularised.<sup>40</sup> The Thaçi Defence maintains that its issue be certified.<sup>41</sup>

#### III. APPLICABLE LAW

18. Pursuant to Article 45(2) of the Law, a Court of Appeals Panel shall hear interlocutory appeals from an accused or from the SPO in accordance with the Law and the Rules. Interlocutory appeals, other than those that lie as of right, must be granted leave to appeal through certification by the Pre-Trial Judge or Trial Panel on the basis that they involve an issue which would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial and for which,

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<sup>38</sup> Thaçi Reply, para. 3.

<sup>39</sup> Thaçi Reply, para. 4.

<sup>40</sup> Thaçi Reply, paras 6-7.

<sup>41</sup> Thaçi Reply, para. 9.



in the opinion of the Pre-Trial Judge or Trial Panel, an immediate resolution by a Court of Appeals Panel may materially advance the proceedings.

19. Pursuant to Rule 77(2) of the Rules, the Panel shall grant certification if the decision involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, including, where appropriate remedies could not effectively be granted after the close of the case at trial, and for which an immediate resolution by the Court of Appeals Panel may materially advance the proceedings.

#### IV. DISCUSSION

##### A. LEGAL TEST

20. A right to appeal arises only if the Panel is of the opinion that the standard for certification set forth in Article 45(2) of the Law and Rule 77(2) of the Rules has been met.<sup>42</sup> The Pre-Trial Judge recalls the interpretation of these provisions as set out previously in the present proceedings.<sup>43</sup>

21. Mindful of the restrictive nature of this remedy, the following specific requirements apply:

- (1) Whether the matter is an “appealable issue”;
- (2) Whether the issue at hand would significantly affect:
  - i. The fair and expeditious conduct of the proceedings, or
  - ii. The outcome of the trial; and

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<sup>42</sup> KSC-BC-2023-12, F00149, Pre-Trial Judge, [Decision on Specialist Prosecutor’s Request for Leave to Appeal the “Decision on the Confirmation of the Indictment”](#) (“30 January 2025 Decision”), 30 January 2025, public, para. 15; F00283, Pre-Trial Judge, [Decision on Smakaj Application for Leave to Appeal Decision F00247](#), 6 May 2025, public, para. 20. See also KSC-BC-2020-06, F00172, Pre-Trial Judge, [Decision on the Thaci Defence Request for Leave to Appeal](#), 11 January 2021, public, para. 9.

<sup>43</sup> [30 January 2025 Decision](#), paras 15-22, with further references.

(3) Whether, in the opinion of the Pre-Trial Judge, an immediate resolution by the Court of Appeals Panel may materially advance the proceedings.<sup>44</sup>

B. THAÇI ISSUE: WHETHER THE PRE-TRIAL JUDGE ERRED IN CONSIDERING THAT THE ATTEMPT CHARGE REQUIRES FEWER PARTICULARS THAN A COMMISSION CHARGE

22. The Pre-Trial Judge finds, for the reasons that follow, that the Thaçi Issue does not constitute an appealable issue within the meaning of Article 45(2) of the Law and Rule 77(2) of the Rules, as the Thaçi Defence mischaracterises the Impugned Decision and/or simply disagrees with selected findings in the Impugned Decision.

23. At the outset, the Pre-Trial Judge finds it important to clarify that rejecting Mr Thaçi's argument to order the SPO to provide more particulars on the points set forth in paragraph 7 above, does *not* rest decisively or exclusively on the fact that Mr Thaçi is charged with attempted obstruction. Rather, alongside the argument that Mr Thaçi is charged with attempted obstruction,<sup>45</sup> the Pre-Trial Judge also argued that, in the particular circumstance of the present case:

(i) *as regards pleading of official persons*: considering established case-law,<sup>46</sup> the SPO is permitted to refer to the category of potentially affected SPO or SC officials and is not obliged to include specific names in the Amended Confirmed Indictment. This finding was coupled with the consideration that Mr Thaçi had been informed about the specific context of the allegations, in particular his conduct during specific visits in the SC Detention Facilities;<sup>47</sup>

(ii) *as regards pleading of official duties*: the official duties described in paragraph 25 of the Amended Confirmed Indictment as the "[SC]/SPO's ability to effectively investigate and prosecute crimes, including the

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<sup>44</sup> [30 January 2025 Decision](#), para. 16, with further references.

<sup>45</sup> Impugned Decision, paras 48, 51, 55.

<sup>46</sup> See also Impugned Decision, footnote 73.

<sup>47</sup> Impugned Decision, para. 48. See also Impugned Decision, footnote 74.

[SC]/SPO's ability to obtain and secure relevant witness evidence" are in the context of the proceedings in the case of *The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi* (KSC-BC-2020-06) ("Case 06"), and circumscribe the actual duties of SPO and SC officials, rather than a general objective, thus providing Mr Thaçi with the required information about the specified duties of officials connected to specific SC proceedings;<sup>48</sup>

(iii) *as regards pleading of alleged obstructive acts*: Mr Thaçi has been informed fully and in detail about the time of non-privileged visits in the SC Detention Facilities, the persons present and the contents of the discussions, in particular Mr Thaçi's alleged unlawful instructions to his co-accused to be conveyed to Case 06 (protected) SPO witnesses on how to testify in their upcoming testimonies before the SC.<sup>49</sup>

(iv) *as regards pleading of common action*: Mr Thaçi has been informed fully and in detail about the time of the non-privileged visits in the SC Detention Facilities, the persons present and the contents of the discussions.<sup>50</sup> In this context, the Pre-Trial Judge stressed that she was mindful that Article 401(2) of the KCC penalises *any* conduct of the perpetrator, who partakes in the group, that contributes to or enables in some other form the common action,<sup>51</sup> and held that whether or not the contributions of Mr Thaçi, as described in the Amended Confirmed Indictment, fulfil the legal requirement of "common action" within the meaning of Article 401(2) of the KCC is to be discussed at trial.<sup>52</sup>

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<sup>48</sup> Impugned Decision para. 51.

<sup>49</sup> Impugned Decision, para. 54.

<sup>50</sup> Impugned Decision, para. 59.

<sup>51</sup> Impugned Decision, para. 58.

<sup>52</sup> Impugned Decision, para. 59.

24. In the Impugned Decision, the Pre-Trial Judge set forth the general standards as to the required form of the indictment against which she assessed the Thaçi Defence arguments in the preliminary motion.<sup>53</sup> Nowhere in the Impugned Decision did the Pre-Trial Judge enter a finding that charges in the form of attempt require a lower level of particularisation in an indictment than charges of commission. The issue the Thaçi Defence formulates rests on a selective and distorted reading of the Impugned Decision. As such, the Thaçi Issue does not emanate from the Impugned Decision. As a result, the request to certify the Thaçi Issue is denied.

C. FAZLIU FIRST ISSUE: WHETHER THE PRE-TRIAL JUDGE ERRED IN LAW BY CONCLUDING THAT, BECAUSE THE OFFENCE CHARGED IS ATTEMPTED OBSTRUCTION, THE SPO IS RELIEVED FROM SPECIFYING IN THE INDICTMENT HOW THE ACCUSED'S CONDUCT COULD PREVENT OR IMPEDE THE SC/SPO OFFICIALS IN THEIR DUTIES

25. To begin with, the Pre-Trial Judge notes that in its preliminary motion alleging defects in the Amended Confirmed Indictment, the Fazliu Defence had argued that Mr Fazliu had not been provided with specific details in the accusatory document regarding (i) his actions pertaining to Witness 1, in particular outside the SC Detention Facilities ("Fazliu Conduct Re Witness 1"),<sup>54</sup> and (ii) the contours of attempt, specifically which perpetrator is alleged to have begun to execute which material elements of attempted obstruction, and how the actions of the perpetrators had fallen short of a full commission ("Fazliu Contours of Attempt").<sup>55</sup> The Fazliu Defence appears to have reshaped its argumentation now by arguing broadly that the Pre-Trial Judge relieved the SPO from specifying in the Amended Confirmed

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<sup>53</sup> Impugned Decision, paras 33-39.

<sup>54</sup> See KSC-BC-2023-12, F00289, Fazliu Defence, *Fazliu Defence Challenge to the Form of the Indictment* ("Fazliu Challenge"), 8 May 2025, public, paras 10-11.

<sup>55</sup> Fazliu Challenge, para. 15.

Indictment how the Accused's conduct could prevent or impeded the SC/SPO officials in their duties.

26. Be that as it may, it suffices to recall that Mr Fazliu's arguments in relation to the Fazliu Conduct Re Witness 1 and the Fazliu Contours of Attempt were rejected in the Impugned Decision because the SPO had included specific particulars in the Amended Confirmed Indictment pertaining to Mr Fazliu, as further supplemented in the Rule 86(3) outline and the evidence disclosed.<sup>56</sup> Reference to the attempted nature of the offence was only mentioned in paragraph 63 of the Impugned Decision addressing arguments pertaining to the Fazliu Contours of Attempt in order to reflect appropriately the charge. In conclusion, the arguments of the Fazliu Defence had been rejected in the Impugned Decision because the Amended Confirmed Indictment satisfies the notice requirement, not because Mr Fazliu is charged with attempted obstruction. To the extent the Fazliu Defence claims that the SPO must demonstrate how Mr Fazliu's conduct was capable to cause the prohibited result,<sup>57</sup> the Pre-Trial Judge recalls that any disputes as to issues of fact are for determination at trial and not via preliminary motions relating to the form of the indictment.<sup>58</sup> As such, the Fazliu First Issue, as framed by the Fazliu Defence, does not emanate from the Impugned Decision. As a result, the request to certify the Fazliu First Issue is denied.

D. FAZLIU SECOND ISSUE: WHETHER THE PRE-TRIAL JUDGE ERRED IN LAW BY FINDING THAT THE CONCURRENT APPLICATION OF ARTICLE 28 OF THE KCC ALONGSIDE ARTICLE 401(2) OF THE KCC IS LEGALLY UNTENABLE

27. As regards the Fazliu Second Issue, the Pre-Trial Judge is of the view that the Fazliu Defence merely disagrees with the Impugned Decision. The question of the

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<sup>56</sup> Impugned Decision, paras 61, 63.

<sup>57</sup> Fazliu Request, para. 13.

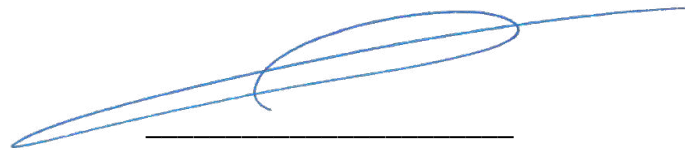
<sup>58</sup> See Impugned Decision, para. 34, with further references.

applicability of Article 28 of the KCC in conjunction with Article 401(2) of the KCC is a question of general interpretation of Kosovo law to be discussed at trial.<sup>59</sup> No fairness issues arise as it is clear to Mr Fazliu that he is charged in the Amended Confirmed Indictment with attempted obstruction and he can prepare his defence accordingly. As a result, the request to certify the Fazliu Second Issue is denied.

## V. DISPOSITION

28. For the above reasons, the Pre-Trial Judge hereby:

**REJECTS** the Defence Requests.



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**Judge Marjorie Masselot**  
**Pre-Trial Judge**

Dated this Thursday, 24 July 2025

At The Hague, the Netherlands.

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<sup>59</sup> See Impugned Decision, paras 35, 64.