



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: 5 August 2025

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Fourth Decision on Review of Detention of Isni Kilaj

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 41(6), (10) and (12) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 56(2) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues the following decision.

I. PROCEDURAL BACKGROUND

1. On 5 December 2024, Isni Kilaj ("Mr Kilaj" or "Accused") was arrested in Kosovo,² pursuant to a decision and arrest warrant issued *proprio motu* by the Pre-Trial Judge,³ and further to the confirmation of an indictment against him, Hashim Thaçi, Fadil Fazliu, Bashkim Smakaj and Hajredin Kuçi ("Confirmation Decision").⁴
2. On 9 December 2024, at the initial appearance of Mr Kilaj, the Pre-Trial Judge ordered his continued detention,⁵ which was later upheld by the Court of Appeals Panel.⁶

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

² KSC-BC-2023-12, F00043, Registrar, [Notification of Arrest of Isni Kilaj Pursuant to Rule 55\(4\)](#), 5 December 2024, public.

³ KSC-BC-2023-12, F00037, Pre-Trial Judge, *Decision on Request for Arrest Warrants and Related Matters* ("Decision on Arrest"), 29 November 2024, confidential, with Annexes 1-8, strictly confidential and *ex parte*; a public redacted version of the main filing was issued on 19 December 2024, [F00037/RED](#).

⁴ KSC-BC-2023-12, F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment*, 29 November 2024, confidential; a public redacted version was issued on 12 February 2025, [F00036/RED](#). See also 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.

⁵ KSC-BC-2023-12, Transcript of Hearing, 9 December 2024 ("Initial Appearance Transcript"), public, pp. 85-125, particularly p. 120, line 20 to p. 124, line 23.

⁶ KSC-BC-2023-12, IA001/F00005, Court of Appeals Panel, [Decision on Isni Kilaj's Appeal Against Decision on Continued Detention](#) ("Kilaj Detention Appeal Decision"), 28 January 2025, public.

3. On 7 February 2025,⁷ 7 April 2025,⁸ and 5 June 2025 (“Third Review Decision”),⁹ the Pre-Trial Judge ordered Mr Kilaj’s continued detention.

4. On 19 June 2025, the Defence for Mr Kilaj (“Kilaj Defence”) filed an appeal against the Third Review Decision,¹⁰ which remains pending before the Court of Appeals Panel. On 27 June 2025, Mr Kilaj indicated that he does not waive his right to the periodic review of his detention, notwithstanding the pending appeal.¹¹

5. On 7 July 2025, the Specialist Prosecutor’s Office (“SPO”) filed submissions on the periodic review of Mr Kilaj’s detention (“SPO Submissions”).¹²

6. On 14 July 2025, the Kilaj Defence responded to the SPO Submissions (“Kilaj Response”).¹³

II. SUBMISSIONS

7. The SPO submits that Mr Kilaj’s continued detention remains necessary and proportionate.¹⁴ According to the SPO, the Pre-Trial Judge’s previous findings remain unaltered and appropriate, as no subsequent information or developments to the contrary have arisen to warrant departure therefrom.¹⁵

⁷ KSC-BC-2023-12, F00162, Pre-Trial Judge, [Decision on Review of Detention of Isni Kilaj](#) (“First Review Decision”), 7 February 2025, public.

⁸ KSC-BC-2023-12, F00248, Pre-Trial Judge, [Second Decision on Review of Detention of Isni Kilaj](#) (“Second Review Decision”), 7 April 2025, public.

⁹ KSC-BC-2023-12, F00324, Pre-Trial Judge, [Third Decision on Review of Detention of Isni Kilaj](#), 5 June 2025, public.

¹⁰ KSC-BC-2023-12, IA004/F00001, Kilaj Defence, *Kilaj Appeal Against Third Decision on Review of Detention of Isni Kilaj (F00324)*, 19 June 2025, confidential; a public redacted version was filed on 1 July 2025, [IA004/F00001/RED](#).

¹¹ KSC-BC-2023-12, F00353, Kilaj Defence, [Submission Pursuant to “Order in Relation to the Upcoming Detention Review of Isni Kilaj” \(F00348\)](#), 27 June 2025, public.

¹² KSC-BC-2023-12, F00365, Specialist Prosecutor, *Prosecution Submissions on Review of Detention of Isni Kilaj*, 7 July 2025, confidential; a public redacted version was filed on 10 July 2025, F00365/RED.

¹³ KSC-BC-2023-12, F00372, Kilaj Defence, *Kilaj Response to “Prosecution Submissions on Review of Detention of Isni Kilaj”*, 14 July 2025, confidential.

¹⁴ SPO Submissions, paras 3, 7, 9.

¹⁵ SPO Submissions, paras 2-4, 7.

8. In particular, the SPO avers that: (i) Mr Kilaj's continued detention remains necessary since all three risks under Article 41(6)(b) of the Law remain present and evident at this time;¹⁶ and (ii) no assurance(s) provided by Mr Kilaj or any other condition of release can appropriately mitigate such risks, which can only be effectively managed in the Detention Facilities of the Specialist Chambers ("SC").¹⁷

9. The SPO further submits that Mr Kilaj's continued detention remains proportionate considering that: (i) Mr Kilaj is charged with two counts of offences under Article 15(2) of the Law and faces, if convicted, a potentially lengthy sentence; (ii) he continues to gain increased insight into the evidence underpinning the charges, through the ongoing disclosure process; and (iii) proceedings continue to move forward expeditiously.¹⁸ The SPO has further identified the following benchmarks as indicators of the expeditious progress of proceedings, since the Third Review Decision: (i) all preliminary motions have been decided by the Pre-Trial Judge and are pending any associated appeals; (ii) an important investigative effort has been completed, reflecting a major milestone; (iii) search results from seized phones have been and continue to be provided to the Accused on a rolling basis; (iv) the SPO has filed its third notice pursuant to Rule 102(3) of the Rules and disclosed the requested material to all Accused; and (v) the disclosure of other material required by the Rules continues.¹⁹

10. In response, the Kilaj Defence submits that: (i) Mr Kilaj's continued detention is no longer reasonable or proportionate within the meaning of Rule 56(2) of the

¹⁶ SPO Submissions, para. 5.

¹⁷ SPO Submissions, para. 5.

¹⁸ SPO Submissions, para. 6.

¹⁹ SPO Submissions, para. 6.

Rules, as there has been a material change of circumstances since the last review of detention;²⁰ and, as such, (ii) Mr Kilaj should be granted conditional release.²¹

11. In particular, the Kilaj Defence avers that the time Mr Kilaj has spent in pre-trial detention (*i.e.* 14 ½ months), plus the time spent on provisional release in Kosovo (*i.e.* nearly seven (7) months), likely exceeds any eventual sentence of imprisonment.²² The Kilaj Defence avers that, in case of conviction: (i) both the period of pre-trial detention and at least some of the time in provisional release will be deducted from any sentence of imprisonment;²³ (ii) considering that, pursuant to Rule 196(2) of the Rules, Mr Kilaj will be entitled to request commutation of sentence after serving two-thirds thereof, the 14 ½ months spent in pre-trial detention represent two-thirds of a sentence of 21 ¾ months' imprisonment (which exceeds the six (6)-month maximum sentence foreseen for the offence of contempt of court as charged in the indictment);²⁴ and (iii) even if Mr Kilaj is convicted of the more serious offence of attempted obstruction of official persons as charged in the indictment, it is likely that any sentence will be at the lower end of the range of one (1) to five (5) years' imprisonment.²⁵ According to the Kilaj Defence, despite the previous rejection of these arguments by the Pre-Trial Judge, two (2) further months have passed since the Third Review Decision, and every additional month makes continued pre-trial detention increasingly disproportionate.²⁶

12. Lastly, the Kilaj Defence submits that: (i) any risks found to exist can be managed with the imposition of the strict conditions on Mr Kilaj's release, by which he is able and willing to abide; and (ii) the proposed security of €40,000

²⁰ Kilaj Response, paras 2, 7-8.

²¹ Kilaj Response, paras 9-10.

²² Kilaj Response, paras 2, 4, 7.

²³ Kilaj Response, para. 4.

²⁴ Kilaj Response, para. 5. See KSC-BC-2023-12, F00264/A02, Specialist Prosecutor, [Public Redacted Amended Confirmed Indictment](#) ("Amended Confirmed Indictment"), 16 April 2025, public.

²⁵ Kilaj Response, para. 6.

²⁶ Kilaj Response, paras 2, 4, 7.

demonstrates that he does not have an intention to flee, engage in obstruction, or commit (further) offences.²⁷

III. APPLICABLE LAW

13. Pursuant to Article 41(6) of the Law, the SC shall only order the arrest and detention of a person when: (a) there is a grounded suspicion that he or she has committed a crime within the jurisdiction of the SC; and (b) there are articulable grounds to believe that the person: (i) is a risk of flight; (ii) will destroy, hide, change or forge evidence of a crime, or will obstruct the progress of the criminal proceedings by influencing witnesses, victims or accomplices; or (iii) will repeat the criminal offence, complete an attempted crime, or commit a crime which he or she has threatened to commit.

14. Pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, until a judgment is final or until release, upon expiry of two (2) months from the last ruling on detention on remand, the Pre-Trial Judge or Panel seized with the case shall examine whether reasons for detention on remand still exist, and render a ruling by which detention on remand is extended or terminated.

15. Pursuant to Article 41(12) of the Law, in addition to detention on remand, the following measures may be ordered by the SC to ensure the presence of the accused, including by video-conference, to prevent reoffending or to ensure successful conduct of criminal proceedings: summons, arrest, bail, house detention, promise not to leave residence, prohibition on approaching specific places or persons, attendance at police station or other venue, and diversion. Pursuant to Rule 56(5) of the Rules, the Panel may impose such conditions upon the release as deemed appropriate to ensure the presence of the detained person.

²⁷ Kilaj Response, para. 9.

16. Pursuant to Rule 56(2) of the Rules, the Pre-Trial Judge shall ensure that a person is not detained for an unreasonable period prior to the opening of the case, and, in case of an undue delay caused by the Specialist Prosecutor, the Panel, having heard the Parties, may release the person under conditions as deemed appropriate.

IV. DISCUSSION

A. APPLICABLE STANDARD

17. The standard governing the review of detention on remand has been laid out extensively in earlier decisions and is hereby incorporated by reference.²⁸ The Pre-Trial Judge will apply this standard to the present decision.

B. GROUNDED SUSPICION

18. The Pre-Trial Judge recalls that, in the Confirmation Decision, it was determined that, pursuant to Article 39(2) of the Law, there is a well-grounded suspicion that Mr Kilaj is criminally responsible for offences within the jurisdiction of the SC, namely attempting to obstruct official persons in performing official duties and contempt of court within the meaning of Articles 401(2) and (5), and 393 of the 2019 Kosovo Criminal Code, Code No. 06/L-074, respectively, in violation of Article 15(2) of the Law.²⁹ These findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of

²⁸ See [Second Review Decision](#), paras 14-15 (general requirements), 16 (grounded suspicion), 21-24 (necessity of detention), 35 (conditional release), 40 (proportionality), and references cited therein; [First Review Decision](#), paras 11-12 (general requirements), 13 (grounded suspicion), 16-19 (necessity of detention), 31 (conditional release), 37 (proportionality), and references cited therein.

²⁹ [Confirmation Decision](#), para. 313(d).

Article 41(6)(a) of the Law.³⁰ The Pre-Trial Judge notes that there have been no developments in the case negating these findings.

19. Therefore, in the absence of any contrary intervening information or developments, the Pre-Trial Judge finds that there continues to exist a grounded suspicion that Mr Kilaj has committed offences within the jurisdiction of the SC, as set forth under Article 41(6)(a) of the Law.³¹

C. NECESSITY OF DETENTION

1. Risk of Flight

20. As regards the risk of flight under Article 41(6)(b)(i) of the Law, the Pre-Trial Judge finds that all considerations set out in the Third Review Decision are still relevant, namely that: (i) Mr Kilaj has an incentive to abscond in light of: (a) the gravity of the offences with which he is charged; (b) his knowledge of the evidence presented by the SPO in support; and (c) the prospect of a potentially significant sentence in the event of conviction; (ii) he has the means to flee and opportunity to evade justice; and (iii) he may have the ability to mobilise support for the purpose of fleeing, in light his national profile in Kosovo.³² The Pre-Trial Judge is also attentive to the fact that Mr Kilaj continues to gain increased insight into the evidence underpinning the charges through the ongoing disclosure process.³³

³⁰ See [Confirmation Decision](#), para. 43; [Decision on Arrest](#), para. 43. See similarly, KSC-2020-04, F00075/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Review of Detention of Pjetër Shala](#), 10 September 2021, public, para. 22; F00224/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Review of Detention of Pjetër Shala](#), 22 June 2022, public, para. 24.

³¹ See similarly, [Third Review Decision](#), paras 22-23; [Second Review Decision](#), paras 17, 20; [First Review Decision](#), paras 14-15; Initial Appearance Transcript, p. 123, lines 14-18.

³² See [Third Review Decision](#), paras 25-26; [Second Review Decision](#), para. 25; [First Review Decision](#), para. 20; [Decision on Arrest](#), paras 56-57. The Pre-Trial Judge notes that Mr Kilaj continues to propose a bail in the amount of €40.000 (*see supra* para. 12), without any information allowing to assess his financial situation (*see infra* footnote 45).

³³ The Pre-Trial Judge notes that, since the Third Review Decision, the SPO has made additional disclosures pursuant to Rule 102(1)(b) of the Rules. See Disclosure Package Nos 50, 54, 55.

21. Having weight all of the above considerations as a whole, the Pre-Trial Judge remains of the view that the factors favourable to Mr Kilaj³⁴ insufficiently mitigate the risk of flight.³⁵

22. In light of the above, and in the absence of any contrary intervening information, the Pre-Trial Judge concludes that, to date, the risk of flight in relation to Mr Kilaj continues to exist.

2. Risk of Obstructing the Progress of SC Proceedings

23. As regards the risk of obstructing the progress of proceedings under Article 41(6)(b)(ii) of the Law, the Pre-Trial Judge finds that all considerations set out in the Third Review Decision continue to apply, namely: (i) Mr Kilaj's demonstrated willingness to violate court orders and intervene in proceedings to which he is not a Party, by willingly misusing SC witness-related information in wanton disregard for SC confidentiality rules; (ii) his knowledge of the charges against him and awareness of the evidence in support; and (iii) his access to sensitive witness-related information, once served with the indictment.³⁶ The Pre-Trial Judge also recalls that: (i) the risk of obstruction, which is also assessed in relation to proceedings in the case of *The Specialist Prosecutor v. Hashim Thaçi et al.* ("Thaçi et al. trial"), has not ceased to exist with the closure of the SPO's case in chief, as the proceedings remain ongoing;³⁷ (ii) the risk of interference is not limited to witnesses who are yet to testify, but also concerns witnesses who have already testified and may be retaliated against or incentivised to recant, thereby threatening the integrity of the ongoing Thaçi et al. trial and future trial proceedings in the

³⁴ See [Third Review Decision](#), para. 24.

³⁵ [Third Review Decision](#), para. 27; [Second Review Decision](#), para. 26; [First Review Decision](#), para. 21; Initial Appearance Transcript, p. 122, line 18 to p. 123, line 2; [Decision on Arrest](#), para. 59. See also [Kilaj Detention Appeal Decision](#), para. 35.

³⁶ See [Third Review Decision](#), para. 30; [Second Review Decision](#), para. 28; [First Review Decision](#), para. 23; Initial Appearance Transcript, p. 123, lines 3-7; [Decision on Arrest](#), paras 61-62.

³⁷ See [Third Review Decision](#), para. 31. See KSC-2020-06, F03371, Trial Panel II, [Further Order on the Scheduling of the Defence Case and Related Matters](#), 25 July 2025, public, para. 42.

present case,³⁸ and (iii) the ongoing disclosure process³⁹ further elevates the risk that he may obstruct the proceedings.⁴⁰

24. As regards Mr Kilaj's proposed payment of a security of €40,000, the Pre-Trial Judge notes that the Kilaj Defence fails to explain how such payment mitigates or eliminates the risk of obstruction and, therefore, she will not consider it.⁴¹

25. Lastly, the Pre-Trial Judge still assesses the above factors against the backdrop of the pervasive climate of fear and intimidation in Kosovo against witnesses and potential witnesses of the SC.⁴² In this context, the Pre-Trial Judge considers that the risk of collusion for the purpose of obstructing the proceedings remains particularly high, especially in light of Mr Kilaj's national profile in Kosovo.⁴³

26. In light of the above, and in the absence of any contrary intervening information, the Pre-Trial Judge concludes that, to date, the risk that Mr Kilaj will obstruct the progress of criminal proceedings continues to exist.

3. Risk of Committing Further Offences

27. As regards the risk of committing further offences under Article 41(6)(b)(iii) of the Law, the Pre-Trial Judge recalls that, even though the existence of a risk of obstruction does not automatically translate into a risk of committing further offences, the factors underpinning the former are of relevance to the assessment of the latter in the present circumstances. In this regard, the Pre-Trial Judge notes that the relevant factors – to be considered collectively – are the same as those outlined in paragraphs 23-25 above with respect to the risk of obstruction of proceedings. Upon a fresh examination of these factors, the Pre-Trial Judge remains persuaded

³⁸ [Third Review Decision](#), para. 31.

³⁹ See *supra* footnote 33.

⁴⁰ [Third Review Decision](#), para. 30.

⁴¹ See also *supra* para. 12. See also *infra* footnote 45.

⁴² [Third Review Decision](#), para. 32; [Second Review Decision](#), para. 30; [First Review Decision](#), para. 25; [Decision on Arrest](#), para. 63.

⁴³ [Third Review Decision](#), para. 32; [Second Review Decision](#), para. 29.

that there is a risk that Mr Kilaj will repeat the offences he is alleged to have committed, including in relation to witnesses who have provided or may provide evidence in the *Thaçi et al.* trial and/or the present case.⁴⁴

28. In light of the above, the Pre-Trial Judge concludes that, to date, the risk that Mr Kilaj will commit further offences continues to exist.

4. Conclusion

29. In view of the foregoing, the Pre-Trial Judge finds that, to date, there are articulable grounds to believe that Mr Kilaj may flee, obstruct the progress of the SC proceedings, and commit further offences, therefore necessitating Mr Kilaj's continued detention, in accordance with Article 41(6)(b) of the Law. The Pre-Trial Judge will assess below whether these risks can be adequately mitigated by any conditions for Mr Kilaj's release.

D. CONDITIONAL RELEASE

30. The Pre-Trial Judge recalls her previous finding that, while mindful of Mr Kilaj's purported past compliance with the conditions imposed for his release, she remained persuaded that none of the conditions proposed by the Kilaj Defence, including bail in the amount of €40.000,⁴⁵ frequent reporting to the Kosovo police, and restrictions on communications and movement, could sufficiently mitigate the existing risks.⁴⁶

⁴⁴ See similarly [Third Review Decision](#), para. 34; [Second Review Decision](#), para. 32; [First Review Decision](#), para. 27; Initial Appearance Transcript, p. 123, lines 3-7; [Decision on Arrest](#), para. 65.

⁴⁵ The Pre-Trial Judge notes that Mr Kilaj reiterates his proposal to pay a security in the amount of €40.000, without providing any information that would enable her to assess his financial situation and, consequently, the appropriate amount of any bail. See Kilaj Response, para. 9. See similarly [Third Review Decision](#), footnote 61.

⁴⁶ See [Third Review Decision](#), paras 37-40; [Second Review Decision](#), paras 36-39; [First Review Decision](#), paras 32-36; Initial Appearance Transcript, p. 123, line 22 to p. 124, line 1.

31. In light of the findings made above regarding the existence of all three risks, the Pre-Trial Judge remains of the view that no conditions, whether previously proposed by the Kilaj Defence or imposed *proprio motu* by the Pre-Trial Judge,⁴⁷ could mitigate, at this stage, the existing risks, in particular that the Accused will obstruct the progress of SC proceedings or commit further offences.⁴⁸ Notably, the Pre-Trial Judge is of the view that such conditions: (i) do not address the possibility of Mr Kilaj employing communication devices belonging to other persons or requesting others to use their devices for these purposes; and (ii) cannot ensure the effective monitoring of Mr Kilaj's communications.⁴⁹

32. In the view of the Pre-Trial Judge, while the risk of illicit messages and instructions cannot be entirely eliminated, the measures in place at the SC Detention Facilities, viewed as a whole, provide robust assurances against unmonitored visits and communications with family members and pre-approved visitors with a view to minimising the risks of obstruction and commission of further offences, as much as possible.⁵⁰ In this regard, the Pre-Trial Judge recalls that the Registrar and the Panel, who have unrestricted access to confidential information concerning witnesses and victims, may take action more promptly than other authorities acting under a distinct framework.⁵¹

⁴⁷ See KSC-BC-2020-06, IA017/F00011/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#), 5 April 2022, public, para. 51.

⁴⁸ In this regard, it is recalled that, while having found the continued existence of risks, the Single Judge granted Mr Kilaj conditional release on the sole basis that his continued detention had, under the circumstances at the time, become unreasonable within the meaning of Rule 56(2) of the Rules. See KSC-BC-2018-01, F00658/COR/RED, Single Judge, [Public Redacted Version of Corrected Version of Decision on Review of Detention of Isni Kilaj](#), 3 May 2024 (date of public redacted corrected version 15 May 2024), paras 51, 64, public.

⁴⁹ See similarly [Third Review Decision](#), para. 38; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 33.

⁵⁰ See similarly, KSC-BC-2020-06, IA010/F00008/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#), 27 October 2021, public, para. 68.

⁵¹ See similarly [Third Review Decision](#), para. 39; [Second Review Decision](#), para. 38; [First Review Decision](#), para. 34. See similarly KSC-BC-2023-10, F00165, Pre-Trial Judge, [Public Redacted Version of Decision on Review of Detention of Haxhi Shala](#), 9 February 2024, public, para. 54.

33. In light of the above, and contrary to the Kilaj Defence's submissions,⁵² the Pre-Trial Judge concludes that the conditions for Mr Kilaj's release previously proposed by the Kilaj Defence, and/or any *additional* reasonable conditions imposed by the Pre-Trial Judge, remain insufficient to adequately mitigate the risks under Article 41(6)(b)(i)-(iii) of the Law.

E. PROPORTIONALITY OF DETENTION

34. The Pre-Trial Judge recalls that: (i) Mr Kilaj was detained from 2 November 2023 to 15 May 2024,⁵³ and again since his arrest on 5 December 2024;⁵⁴ (ii) he is charged with one count of attempting to obstruct official persons in performing official duties and one count of contempt of court,⁵⁵ which carry a possible sentence of up to five (5) years and six (6) months, respectively; and (iii) the risks under Article 41(6)(b) of the Law (in particular, the risk of obstruction and commission of further offences) cannot be mitigated by any proposed or additional conditions for release.⁵⁶

35. The Pre-Trial Judge also takes into consideration that, since the Third Review Decision: (i) the SPO has (largely) completed the disclosure of evidence in its possession pursuant to Rule 102(1)(b) of the Rules⁵⁷ and made further

⁵² See *supra* para. 12.

⁵³ KSC-BC-2023-12, INV/F00039, Specialist Prosecutor, [Urgent Rule 52\(1\) Notification of Arrest of Isni Kilaj](#), 2 November 2023, public; INV/F00129/COR, Single Judge, *Corrected Version of Decision on Review of Detention of Isni Kilaj*, 3 May 2024 (corrected version issued on 15 May 2024), confidential and *ex parte*; a public redacted version was issued on the same day, INV/F00129/COR/RED; INV/F00135, Registrar, [Notification of Isni Kilaj's Transfer to Kosovo](#), 15 May 2024, public.

⁵⁴ See *supra* para. 1.

⁵⁵ [Amended Confirmed Indictment](#), para. 48.

⁵⁶ See *supra* para. 33.

⁵⁷ See Disclosure Packages Nos 50, 54, 55. See also KSC-BC-2023-12, F00100, Pre-Trial Judge, [Framework Decision on Disclosure of Evidence and Related Matters](#), 20 December 2024, public, paras 45, 104(c), (e) (setting the deadline for the disclosure of such material to 17 March 2025); F00256, Pre-Trial Judge, [Decision Authorizing Additional Disclosure under Rule 102\(1\)\(b\) of the Rules](#), 11 April 2025, public. The Pre-Trial Judge further set a related deadline for the disclosure of certain material pursuant to Rule 102(1)(b) of the Rules to two (2) months from the date of transfer of said material

disclosures pursuant to Rule 103 of the Rules;⁵⁸ (ii) the SPO has filed its third notice pursuant to Rule 102(3) of the Rules⁵⁹ and disclosed a number of items, as requested by the Defence;⁶⁰ (iii) remaining investigative steps are progressing steadily,⁶¹ and further disclosure of material is anticipated following completion of these steps;⁶² (iv) all preliminary motions filed by Defence Counsel have been ruled upon and are pending associated appeals,⁶³ including as a result of granted leaves to appeal through certification by the Pre-Trial Judge;⁶⁴ and (v) the Pre-Trial Judge has set the deadline for the filing of the SPO's Pre-Trial

to the SPO, which was executed on 17 July 2025. See KSC-BC-2023-12, F00368, Pre-Trial Judge, *Decision on Prosecution Request for Access to Material and Related Matters* ("Decision on Access to Material"), 9 July 2025, confidential, paras 53, 57(i), with Annex 1, confidential; F00377, Registry, *Notification of Transfer of Materials Pursuant to F00368* ("Notification of Transfer"), 17 July 2025, confidential.

⁵⁸ See Disclosure Packages Nos 46, 48.

⁵⁹ KSC-BC-2023-12, F00341, Specialist Prosecutor, [Prosecution's Third Rule 102\(3\) Notice](#), 17 June 2025, public, with Annex 1, confidential.

⁶⁰ See Disclosure Packages Nos 47, 49, 51-53, 56-57.

⁶¹ See KSC-BC-2023-12, F00342, Registrar, *Registry Report Pursuant to Order F00221*, 19 June 2025, confidential, with Annexes 1-6, confidential; F00346, Pre-Trial Judge, *Decision on the Independent Entity to Review Preserved Material*, 24 June 2025, confidential; F00350, Pre-Trial Judge, *Decision on Outstanding Kuçi Electronic Devices and Related Request for Assistance*, 26 June 2025, confidential; F00357, Pre-Trial Judge, *Decision Appointing Independent Counsel and Initiating Stage 2 of the Mechanism to Review Preserved Material*, 1 July 2025, confidential; F00360, Registrar, *Notification of Assignment of Independent Counsel*, 2 July 2025, confidential, with Annex 1, confidential; *Decision on Access to Material; Notification of Transfer*; F00386, Registrar, *Registrar's Report on the Execution of Independent Counsel's Review Related to Stage 2*, 21 July 2025, strictly confidential *ex parte*; F00399, Registrar, *Registrar's Report on Transfer of Materials Pursuant to F00368*, 30 July 2025, confidential.

⁶² See *Decision on Access to Material*, paras 53, 57(i).

⁶³ KSC-BC-2023-12, F00343, Pre-Trial Judge, [Decision on the Thaçi Defence Preliminary Motion on Jurisdiction](#), 19 June 2025, public; F00347, Pre-Trial Judge, [Decision on Preliminary Motions Alleging Defects in the Indictment](#), 24 June 2025, public; F00354, Pre-Trial Judge, *Decision on Preliminary Motions for Adjournment and Severance of the Proceedings*, 30 June 2025, confidential; a public redacted version was issued on 1 July 2025, [F00354/RED](#). See also, IA005/F00001, Defence for Mr Thaçi, *Appeal against Decision on the Thaçi Defence Preliminary Motion on Jurisdiction*, 2 July 2025, confidential and *ex parte*, with Annexes 1-3, public; a public redacted version and a corrected version thereof were filed on 4 July 2025 and 7 July 2025, IA005/F00001/RED and IA005/F00001/RED/COR, respectively.

⁶⁴ KSC-BC-2023-12, F00390, Pre-Trial Judge, *Decision on the Thaçi Defence Request for Leave to Appeal the "Decision on Preliminary Motions for Adjournment and Severance of the Proceedings"*, 23 July 2025, confidential; a public redacted version was issued on the same day, [F00390/RED](#); F00391, Pre-Trial Judge, [Decision on the Thaçi Defence Request for Certification to Appeal the "Decision on the Thaçi Defence Preliminary Motion on Jurisdiction"](#), 23 July 2025, public; F00392, Pre-Trial Judge, [Decision on the Thaçi and Fazliu Requests for Certification to Appeal the "Decision on Preliminary Motions Alleging Defects in the Indictment"](#), 24 July 2025, public.

Brief pursuant to Rule 95(4) of the Rules and for subsequent steps.⁶⁵ Thus, in the view of the Pre-Trial Judge, the proceedings continue to move forward expeditiously, edging the case closer to its transmission to a Trial Panel.

36. The Pre-Trial Judge also takes note of the Kilaj Defence's submissions that the time Mr Kilaj has spent in pre-trial detention, plus the time spent on provisional release in Kosovo, likely exceeds any eventual sentence of imprisonment.⁶⁶ In this regard, the Pre-Trial Judge observes that the Kilaj Defence repeats arguments dismissed as speculative and inapposite in previous decisions on the review of detention.⁶⁷ The Pre-Trial Judge reiterates that an assessment of proportionality can only be based on the circumstances at the time of review, and not on what may or may not occur in the foreseeable future.⁶⁸

37. The Pre-Trial Judge further takes note of the Kilaj Defence's submissions that the Accused has spent an additional two (2) months in pre-trial detention since the Third Review Decision, and that every additional month makes it increasingly disproportionate.⁶⁹ Nevertheless, the Pre-Trial Judge has duly considered the additional time Mr Kilaj has spent in detention since the Third Review Decision, but finds that – when weighed against the remaining factors set out in paragraphs 34-35 above – his detention remains proportionate.

38. Furthermore, pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, Mr Kilaj's detention will be regularly reviewed upon the expiry of two (2) months from the last ruling on detention or at any time upon request, or *proprio motu*, where a change in circumstances since the last review has occurred.

⁶⁵ KSC-BC-2023-12, F00395, Pre-Trial Judge, [Order Relating to the Calendar for the Remaining Pre-Trial Proceedings](#), 25 July 2025, public.

⁶⁶ See *supra* para. 11.

⁶⁷ See [Third Review Decision](#), para. 43; [Second Review Decision](#), para. 43.

⁶⁸ See similarly [Third Review Decision](#), para. 43; [Second Review Decision](#), para. 43. See also KSC-BC-2023-10, F00325, Pre-Trial Judge, [Third Decision on Review of Detention of Haxhi Shala](#), 5 June 2024, public, para. 47.

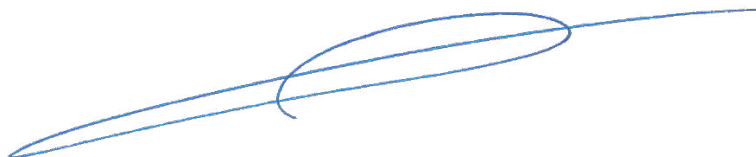
⁶⁹ See *supra* para. 11.

39. In view of the foregoing, the Pre-Trial Judge finds that the time Mr Kilaj has spent in pre-trial detention is not unreasonable within the meaning of Rule 56(2) of the Rules.

V. DISPOSITION

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

- a. **ORDERS** Mr Kilaj's continued detention;
- b. **ORDERS** Mr Kilaj, if he so wishes, to file submissions on the next review of detention by **Friday, 29 August 2025**, with response and reply following the timeline set out in Rule 76 of the Rules;
- c. **ORDERS** the SPO, should Mr Kilaj decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Kilaj's detention by **Monday, 8 September 2025 at 16h00**, and Mr Kilaj, if he so wishes, to file his response by **Monday, 15 September 2025, at 16h00**; and
- d. **INSTRUCTS** the Registrar to reclassify the Kilaj Response (F00372) as public, by **Monday, 18 August 2025**.



Judge Marjorie Masselot
Pre-Trial Judge

Dated this Tuesday, 5 August 2025
At The Hague, the Netherlands.