



**In:** KSC-BC-2023-12  
**The Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj,  
Isni Kilaj, Fadil Fazliu and Hajredin Kuçi**

**Before:** Single Trial Judge  
Judge Christopher Gosnell

**Registrar:** Fidelma Donlon

**Date:** 24 November 2025

**Language:** English

**Classification:** Public

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**Decision on Fazliu Defence Request for an Extension of Time  
for Submissions on Review of Detention**

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**THE SINGLE TRIAL JUDGE**, pursuant to Articles 40(2) and 41(10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 9(5)(a) and (6), 57(2) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues the following decision.

## I. PROCEDURAL BACKGROUND

1. On 3 October 2025, the Pre-Trial Judge ordered the continued detention of Fadil Fazliu ("Mr Fazliu") and ordered the Specialist Prosecutor's Office ("SPO") to file submissions on the next review of Mr Fazliu's detention by 18 November 2025, with any response by the Fazliu Defence to be filed by 25 November 2025.<sup>1</sup>
2. On 15 October 2025, the Fazliu Defence lodged an appeal against the Fifth Decision on Detention Review ("Fazliu Appeal") before the Court of Appeals Panel.<sup>2</sup>
3. On 12 November 2025, the Pre-Trial Judge transmitted the complete case file to the Single Trial Judge.<sup>3</sup>
4. On 18 November 2025, the SPO filed submissions seeking the continued detention of Mr Fazliu ("SPO Detention Submissions").<sup>4</sup>

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<sup>1</sup> KSC-BC-2023-12, F00479, Pre-Trial Judge, [Fifth Decision on Review of Detention of Fadil Fazliu](#) ("Fifth Decision on Detention Review"), 3 October 2025, public, para. 53(a)-(d).

<sup>2</sup> KSC-BC-2023-12, IA008/F00001, Fazliu Defence, *Fazliu Appeal Against the Fifth Detention Review Decision*, 15 October 2025, confidential, with Annex 1, confidential.

<sup>3</sup> KSC-BC-2023-12, F00544, Pre-Trial Judge, *Decision Transmitting the Case File to Single Trial Judge*, 12 November 2025, public, with Annex 1, confidential, and Annex 2, public.

<sup>4</sup> KSC-BC-2023-12, F00555, Specialist Prosecutor, *Prosecution Submissions on Review of Detention of Fadil Fazliu*, 18 November 2025, public.

5. On 21 November 2025, the Fazliu Defence requested the Single Trial Judge to grant an extension of the time limit for its submissions on the next review of Mr Fazliu's detention ("Request").<sup>5</sup>

## II. SUBMISSIONS

6. The Fazliu Defence requests an extension of the time limit to respond to the SPO submissions on the sixth review of Mr Fazliu's detention until five days after the Court of Appeals Panel issues its decision on the Fazliu Appeal.<sup>6</sup>

7. The Fazliu Defence submits that good cause is shown because: (i) the requested extension is in the interest of judicial efficiency since the Parties and the Single Trial Judge would benefit from the appellate guidance;<sup>7</sup> and (ii) if the Fazliu Appeal is successful, it could negate the need for further submissions from the Parties.<sup>8</sup> The Fazliu Defence also contends that the Request does not prejudice the SPO, as Mr Fazliu would remain in detention for the duration of the requested time extension.<sup>9</sup>

8. The Fazliu Defence submits that its application has been filed at the earliest opportunity following Mr Fazliu's instructions, and sufficiently in advance of the applicable deadline to enable the Single Trial Judge to rule on the Request in good time.<sup>10</sup>

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<sup>5</sup> KSC-BC-2023-12, F00562, Fazliu Defence, *Fazliu Request for Extension of Time Limit to Respond to Prosecution Submissions on the Sixth Detention Review*, 21 November 2025, public.

<sup>6</sup> Request, paras 10 and 16.

<sup>7</sup> Request, paras 11-14.

<sup>8</sup> Request, paras 12-13.

<sup>9</sup> Request, para. 11.

<sup>10</sup> Request, para. 15.

### III. APPLICABLE LAW

9. Rule 9(5)(a) of the Rules permits the Single Trial Judge, *proprio motu* or upon showing of good cause, to extend any time limit prescribed by the Rules or by judicial decision. Rule 9(6) of the Rules further permits a motion for such an extension to “be disposed of without giving the opposing Party [...] the opportunity to be heard” where “no prejudice is caused to the opposing Party”.

10. Rule 76 of the Rules requires any request for extension of time to be “filed sufficiently in advance to enable the Panel to rule on the application before the expiry of the relevant time limit.”

11. Article 41(10) of the Law and Rule 57(2) of the Rules require that “until a judgement is final or until release, upon the expiry of two (2) months from the last ruling on detention on remand, the Panel shall examine whether reasons for detention on remand still exist and render a ruling by which detention on remand is extended or terminated.”

### IV. DISCUSSION

12. The Single Trial Judge finds that the Request was submitted sufficiently in advance of the deadline whose variation is requested, as required by Rule 76 of the Rules.

13. Mr Fazliu’s sixth detention review, pursuant to the time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules, is to take place, at the latest, on 3 December 2025. The Fazliu Defence submissions in respect of that review were to be filed by 25 November 2025.

14. The Single Trial Judge is persuaded that there is good cause to extend both time limits, in particular because: (i) the request is made by Mr. Fazliu himself, who is the beneficiary of the time-limits set out in Article 41(10) of the Law and Rule 57(2) of the Rules; (ii) of the benefits identified by the Fazliu Defence

arising from awaiting the outcome of the Pending Appeal; and (iii) the absence of any discernible prejudice arising from such an extension, as long as (as prescribed below) the SPO is given an equal opportunity to make submissions on the Court of Appeals Panel decision arising from the pending appeal.

15. Accordingly, the Single Trial Judge modifies the schedule for submissions on the sixth review of Mr. Fazliu's detention as follows: (i) the SPO shall be permitted to supplement its submissions no later than three (3) days following the Court of Appeal Panel's decision on the Fazliu Appeal; and (ii) the Fazliu Defence shall be permitted to respond by no later than five (5) days after the expiry of the time limit for the SPO's supplemental submissions.

16. The Single Trial Judge undertakes to issue a decision on the review of Mr Fazliu's detention within seven (7) days of the expiry of the time limit for the Fazliu Defence response.

17. In addition, the Single Trial Judge directs the Fazliu Defence to file on record, by Friday, 28 November 2025, a notification signed by Mr Fazliu indicating that he waives his right to have his detention reviewed before the two-month time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules, and until a decision on his detention review is rendered.

18. Lastly, the Single Trial Judge finds that no prejudice is caused to the SPO by disposing of the Request without giving it the opportunity to be heard.

## V. DISPOSITION

19. For the above reasons, the Single Trial Judge hereby:

- a. **GRANTS** the Request;

- b. **AUTHORIZES** the SPO to supplement the SPO Detention Submissions by no later than three (3) days following the Court of Appeals Panel's decision on the Fazliu Appeal;
- c. **AUTHORIZES** the Fazliu Defence to respond to the SPO Detention Submissions, and potential supplement thereto, by no later than five (5) days after expiry of the time limit for the SPO's supplemental submissions; and
- d. **ORDERS** the Fazliu Defence to provide Mr Fazliu's waiver, as indicated in paragraph 17 of the present decision, by Friday, 28 November 2025.



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**Judge Christopher Gosnell**  
**Single Trial Judge**

Dated this Monday, 24 November 2025

At The Hague, the Netherlands.