



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: Single Trial Judge
Judge Christopher Gosnell

Registrar: Fidelma Donlon

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Public Redacted Version of Sixth Decision on Review of Detention of Isni Kilaj

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THE SINGLE TRIAL JUDGE, pursuant to Article 41(6), (10) and (12) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rules 9(5)(a) and (6), 56(2) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers,¹ hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 2 November 2023, Isni Kilaj ("Mr Kilaj") was detained pursuant to an arrest order issued by the Specialist Prosecutor under Rule 52(1).² On 3 November 2023, he was transferred to the Specialist Chambers' ("SC") Detention Facilities,³ pursuant to an order for transfer issued by the Single Judge.⁴

2. On 3 May 2024, the Single Judge ordered the provisional release of Mr Kilaj, which was effected on 15 May 2024.⁵ The Specialist Prosecutor's Office ("SPO") appealed this decision on the basis that the Single Judge had failed to give the SPO

¹ All future references to "Article" and "Rule" shall be understood as referring to the Law and Rules, respectively, unless otherwise indicated.

² KSC-BC-2023-12, INV-F00039, Specialist Prosecutor, [Urgent Rule 52\(1\) Notification of Arrest of Isni Kilaj](#), 2 November 2023, public.

³ KSC-BC-2023-12, INV-F00043, Registrar, [Notification of Reception of Isni Kilaj in the Detention Facilities of the Specialist Chambers](#), 3 November 2023, public, with Annex 1, strictly confidential and *ex parte*; INV-F00045, Registrar, [Report on the Transfer of Isni Kilaj to the Detention Facilities](#), 3 November 2023, strictly confidential and *ex parte*, with Annexes 1-2, strictly confidential and *ex parte*; a public redacted version of the main filing and confidential and *ex parte* versions of the annexes were filed on 8 November 2023, respectively INV-F00045/RED, INV-F00045/RED/A01/CONF/RED and INV-F00045/RED/A02/CONF/RED.

⁴ KSC-BC-2023-12, INV-F00041/COR, Single Judge, [Corrected Version of Decision on Transfer Order Pursuant to Arrest by the Specialist Prosecutor](#), 3 November 2023, confidential, with Annex 1, confidential; a public redacted version of the main filing was issued on 5 November 2023, [INV-F00041/COR/RED](#).

⁵ KSC-BC-2023-12, INV/F00129/COR, Single Judge, [Corrected Version of Decision on Review of Detention of Isni Kilaj \("Kilaj Release Decision"\)](#), 3 May 2024 (corrected version issued on 15 May 2024), confidential; a public redacted version was issued on the same day, [INV/F00129/COR/RED](#); INV/F00135/COR, Registrar, [Corrected Version of "Notification of Isni Kilaj's Transfer to Kosovo" \(F00670\)](#), 15 May 2024 (corrected version issued on 10 November 2025), public.

an opportunity to be heard on the conditions of release, but not that the Single Judge had erred in his assessment that the period of detention had become unreasonable.⁶

3. On 5 December 2024, Mr Kilaj was re-arrested in Kosovo, on the basis of an SC arrest warrant issued following the confirmation of an indictment against him and four other accused on 29 November 2024.⁷

4. On 9 December 2024, Mr Kilaj made his initial appearance, at which time his continued detention was ordered.⁸ He remains in custody to this day, following five bi-monthly reviews of his detention as required by Article 41(10).⁹

5. On 12 November 2025, the Pre-Trial Judge transmitted the complete case file to the Single Trial Judge.¹⁰

⁶ KSC-BC-2023-12, INV-F00270, Specialist Prosecutor, *Prosecution Appeal Against Decision F00658 and Request for Suspensive Effect*, 6 May 2024, confidential; a public redacted version was filed on 31 July 2024, [INV-F00270/RED](#).

⁷ KSC-BC-2023-12, F00043, Registrar, [Notification of Arrest of Isni Kilaj Pursuant to Rule 55\(4\)](#), 5 December 2024, public; 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](#); F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment* ("Confirmation Decision"), 29 November 2024, confidential; a public redacted version was issued on 12 February 2025, [F00036/RED](#).

⁸ KSC-BC-2023-12, Transcript of Hearing, 9 December 2024 ("Decision on Detention"), public, pp. 85-125, particularly p. 120, line 20 to p. 124, line 23; IA001/F00005, Court of Appeals Panel, [Decision on Isni Kilaj's Appeal Against Decision on Continued Detention](#) ("First Kilaj Detention Appeal Decision"), 28 January 2025, public.

⁹ KSC-BC-2023-12, F00162, Pre-Trial Judge, [Decision on Review of Detention of Isni Kilaj](#) ("First Review Decision"), 7 February 2025, public; F00248, Pre-Trial Judge, [Second Decision on Review of Detention of Isni Kilaj](#) ("Second Review Decision"), 7 April 2025, public; F00324, Pre-Trial Judge, [Third Decision on Review of Detention of Isni Kilaj](#) ("Third Review Decision"), 5 June 2025, public; F00403, Pre-Trial Judge, [Fourth Decision on Review of Detention of Isni Kilaj](#) ("Fourth Review Decision"), 5 August 2025, public; F00478, Pre-Trial Judge, [Fifth Decision on Review of Detention of Isni Kilaj](#) ("Fifth Review Decision"), 3 October 2025, public. See also KSC-BC-2023-12, IA004/F00005, Court of Appeals Panel, [Decision on Isni Kilaj's Appeal Against Third Decision on Review of Detention](#) ("Second Kilaj Detention Appeal Decision"), 1 September 2025, public.

¹⁰ 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.

6. On 18 November 2025, the SPO filed submissions in respect of the sixth periodic review of Mr Kilaj's detention,¹¹ to which the Defence for Mr Kilaj ("Kilaj Defence") responded on 25 November 2025.¹²

7. On 26 November 2025, the Single Trial Judge invited further submissions from the SPO and the Kilaj Defence on the periodic review of Mr Kilaj's detention.¹³

8. On 1 December 2025, at the direction of the Single Trial Judge, the SPO and the Kilaj Defence filed their further submissions on specific issues.¹⁴

II. SUBMISSIONS

9. The SPO requests Mr Kilaj's continued detention on the basis that there have been "no consequential changes or meaningful developments which undercut" the Fifth Review Decision.¹⁵ As discussed in more detail below, the SPO maintains that each of the Article 41(6)(b) risks remain,¹⁶ and cannot be "appropriately mitigate[d]" by any potential conditions of release, "including a surety, reporting obligations, and restrictions on communications and movement".¹⁷ Further, the SPO argues that the "limited passage of time" since the last review does not undermine the proportionality of Mr Kilaj's detention, in light of the potentially lengthy sentence he faces and the progress of the case towards trial.¹⁸

¹¹ KSC-BC-2023-12, F00554, Specialist Prosecutor, *Prosecution Submissions on Review of Detention of Isni Kilaj* ("SPO Submissions"), 18 November 2025, public.

¹² KSC-BC-2023-12, F00574, Kilaj Defence, *Kilaj Response to "Prosecution Submissions on Review of Detention of Isni Kilaj" (F00554)* ("Kilaj Response"), 25 November 2025, public.

¹³ KSC-BC-2023-12, F00577, Single Trial Judge, *Order Inviting Further Submissions on Periodic Review of Detention*, 26 November 2025, confidential and *ex parte*.

¹⁴ KSC-BC-2023-12, F00590, Specialist Prosecutor, *Prosecution Further Submissions on Review of Detention of Isni Kilaj (F00577)* ("SPO Supplemental Submissions"), 1 December 2025, confidential and *ex parte*, with Annex 1, confidential and *ex parte*; F00591, Kilaj Defence, *Kilaj Further Submissions on Periodic Review of Detention* ("Kilaj Supplemental Submissions"), 1 December 2025, confidential and *ex parte*, with Annexes 1-4, confidential and *ex parte*; a corrected version of Annex 1 was filed on 2 December 2025, F00594 and F00594/A01.

¹⁵ SPO Submissions, paras 2-4, 10-11.

¹⁶ SPO Submissions, paras 4-7.

¹⁷ SPO Submissions, para. 8.

¹⁸ SPO Submissions, para. 9, with further references.

10. The Kilaj Defence requests the conditional release of Mr Kilaj, on the basis of “consequential changes and meaningful developments” that occurred since the Fifth Review Decision.¹⁹ According to the Kilaj Defence: (i) the risk of Mr Kilaj obstructing SC proceedings is significantly reduced;²⁰ (ii) it is not reasonable or proportionate for Mr Kilaj to remain detained for another two months pending the start of the trial,²¹ considering that he has already spent 18½ months in pre-trial detention;²² and (iii) were Mr Kilaj to be granted conditional release, he would not jeopardise the reunion with his family by fleeing or reoffending.²³ Lastly, the Kilaj Defence submits that any risks found to exist can be managed with the imposition of strict conditions for his release, including a security of €40,000 [REDACTED].²⁴

III. APPLICABLE LAW

11. The standards applicable to the continued detention of a person by the SC are set out in Article 41(6), (10) and (12) and Rules 56-57. These provisions have been extensively interpreted in the SC’s jurisprudence, in particular as they are required to be applied and interpreted in conformity with the Constitution of Kosovo and the (European) Convention for the Protection of Human Rights and Fundamental Freedoms.²⁵ The Single Trial Judge will apply these same standards to the present decision.

¹⁹ Kilaj Response, paras 2, 30.

²⁰ Kilaj Response, paras 3, 11-17.

²¹ Kilaj Response, paras 4, 18.

²² Kilaj Response, paras 5, 19-25.

²³ Kilaj Response, paras 26-27.

²⁴ Kilaj Response, para. 28; Kilaj Supplemental Submissions, para. 10.

²⁵ See, for example, [Fifth Review Decision](#), paras 12-15; [Second Review Decision](#), paras 14-15 (general requirements), 16 (grounded suspicion), 21-24 (necessity of detention), 35 (conditional release), 40 (proportionality).

12. The Single Trial Judge notes that each bi-monthly review of detention is a *de novo* assessment.²⁶ According to the Court of Appeals Panel, the “competent panel is not required to make findings on the factors already decided upon in the initial ruling on detention but must examine these reasons or circumstances and determine whether they still exist. What is crucial is that the competent panel is satisfied that, at the time of the review decision, grounds for continued detention still exist”.²⁷ Furthermore, “although the automatic review [...] is not strictly limited to whether or not a change of circumstances occurred in the case, such a change can nonetheless be determinative and shall be taken into consideration if raised before the Panel or *proprio motu*”.²⁸ The Single Trial Judge understands that although he is not “required” to revisit findings in previous detention reviews, he is nevertheless under an obligation to ensure that he is “satisfied” that “grounds for continued detention still exist” including, but without being limited to, consideration of any change of circumstances that may have arisen since the last detention review.

IV. DISCUSSION

A. EXTENSION OF TIME REQUEST

13. As a preliminary matter, the Single Trial Judge notes that the Kilaj Defence, prior to the expiry of the deadline for filing the Kilaj Response, requested an eight-hour extension of time on the basis of unexpected work pressures in

²⁶ KSC-BC-2020-06, IA006/F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against Decision on Review of Detention](#), 1 October 2021, public, paras 14-17; F00177/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Hashim Thaci's Application for Interim Release](#), 22 January 2021, public, para. 26; F03484, Trial Panel II, [Decision on Periodic Review of Detention of Jakup Krasniqi](#), 18 September 2025, public, para. 49 (“[T]he Panel observes that detention is governed by strict conditions set out in Article 41 and the Panel assesses the Parties’ submissions *de novo* as part of the bi-monthly detention review pursuant to Article 41(10)”).

²⁷ KSC-BC-2020-07, IA002/F00005, Court of Appeals Panel, [Decision on Nasim Haradinaj's Appeal Against Decision Reviewing Detention](#), 9 February 2021, public, para. 55.

²⁸ [Second Kilaj Detention Appeal Decision](#), para. 31.

relation to the Trial Preparation Conference to be held on 28 November 2025.²⁹

The Kilaj Defence submitted that it had consulted with the SPO, which did not oppose the request, and that no prejudice would arise.³⁰

14. The Single Trial Judge finds that the request for an extension of time was submitted sufficiently in advance, as required by Rule 76, and that it is supported by good cause, for the reasons advanced by the Kilaj Defence, including the absence of opposition by the SPO. Accordingly, the request for extension of time is granted pursuant to Rule 9(5)(a) and (6).

B. GROUNDED SUSPICION

15. A precondition of detention under Article 41(6)(a) is that there is a “grounded suspicion that [the detainee] has committed a crime within the jurisdiction of the Specialist Chambers”. This is a lower threshold than is required for confirmation of an indictment under Article 39(2). On the basis of the findings in the Confirmation Decision,³¹ and in the absence of any intervening submissions or developments, the requirement of a “grounded suspicion” under Article 41(6)(a) is satisfied.

C. PRESENCE OF ARTICLE 41(6)(B) RISKS

1. Risk of Flight

16. The SPO cites three factors indicating a risk that Mr Kilaj would flee if provisionally released: (i) the gravity of the offences charged, including his knowledge of the evidence underpinning the charges and the potentially significant sentence he faces if convicted; (ii) his means to flee and opportunity

²⁹ Kilaj Response, paras 6-7. See KSC-BC-2023-12, CRSPD166, 25 November 2025, confidential.

³⁰ Kilaj Response, paras 6-7.

³¹ See [Confirmation Decision](#), paras 43, 211, 260, 287-288, 299, 313(d).

to evade justice; and (iii) his ability to mobilise support in Kosovo in order to flee.³²

17. The Kilaj Defence argues, as in previous submissions, that the “total amount of time Mr Kilaj has spent in pre-trial detention, plus the time spent on provisional release, exceeds any sentence of imprisonment of which he would be at risk”, even if convicted on all charges that he faces.³³ The Kilaj Defence argues that it is unreasonable to conclude that there is a risk of flight, as Mr Kilaj’s desire to return to his family means that he is “determined to do nothing that might jeopardise their reunion”.³⁴ The Kilaj Defence further submits that any risk can be “managed” with the imposition of the same conditions as ordered when Mr Kilaj was provisionally released in May 2024, and that a “security now proposed of €40,000 demonstrates that he has every incentive not to flee”.³⁵

18. The Court of Appeals Panel has set out clearly the minimum threshold of risk for a finding that one or more of the risks identified in Article 41(6)(b) exist:

The Panel recalls its prior finding that, in determining the necessity of detention under Article 41(6)(b) of the Law, the question revolves around the possibility, not the inevitability, of a future occurrence. [...] In so finding, the Panel acknowledged that a standard less than certainty was appropriate. That “certainty” cannot be required follows from the nature of the assessment under Article 41(6)(b) of the Law, namely that it entails a prediction about future conduct, and what lies in the future can never be predicted with certainty. This does not mean, however, that any possibility of a risk materialising is sufficient to justify detention. In that regard, the Panel finds merit in *Thaçi’s* argument, when referring to the *Katanga and Ngudjolo* case, that detention cannot be justified by any kind of possibility of a future occurrence, even if negligible. [...] The Panel further notes the finding of the Specialist Chamber of the Constitutional Court (“[...]”) that any deprivation of liberty must conform to the substantive and the procedural rules established by law and should be in keeping with the

³² SPO Submissions, para. 5.

³³ Kilaj Response, para. 24.

³⁴ Kilaj Response, paras 26-27.

³⁵ Kilaj Response, para. 28.

key purpose of protecting the individual from arbitrariness. As part of the protection against arbitrariness, the Panel highlights the importance of specific reasoning and concrete grounds which are required to be relied upon by the Pre-Trial Judge in his decisions authorising detention on remand. The Panel therefore finds that the standard to be applied is, on the one hand, less than certainty, but, on the other, more than a mere possibility of a risk materialising.³⁶

19. The Single Trial Judge notes that, in the Fifth Review Decision, the Pre-Trial Judge held that the requisite threshold of risk of flight was met for Mr Kilaj because of: (i) the gravity of the offences with which he is charged; (ii) his knowledge of the SPO's evidence supporting those charges; (iii) the prospect of a significant sentence arising from a conviction on those charges; (iv) his means to flee and evade justice; and (v) that he "may have the ability to mobilise support for the purpose of fleeing, in light of his national profile in Kosovo".³⁷ The Pre-Trial Judge also gave no weight to the proposed payment of a security on the basis that the "Kilaj Defence fails to explain how such a proposition mitigates or eliminates the risk of flight and, therefore, she will not consider it".³⁸

20. The Single Trial Judge finds that circumstances have changed since the last review decision in at least two respects: (i) the potential duration of any future term of imprisonment, as a result of a sentence, that could be imposed on Mr Kilaj (and thus the incentive to flee) has been reduced by a further two months of pre-trial detention (which would offset any future sentence that might be imposed);³⁹ and (ii) the Kilaj Defence has provided additional details concerning the source of the security to be provided which, on a *prima facie* basis, appears to be [REDACTED].⁴⁰ As [REDACTED] appear to be the source of the

³⁶ KSC-BC-2020-06, IA004/F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaci's Appeal Against Decision on Interim Release](#), 30 April 2021, public, paras 21-22.

³⁷ [Fifth Review Decision](#), para. 19.

³⁸ [Fifth Review Decision](#), para. 20.

³⁹ See Rule 163(6) ("In imposing a sentence of imprisonment, the Panel shall deduct the time, if any, during which the Accused was detained in accordance with Chapter 4").

⁴⁰ Kilaj Supplemental Submissions, paras 1-17; Annexes 1-4 to the Kilaj Supplemental Submissions.

security that would be forfeited, this provides an additional indication that Mr Kilaj would not lightly flee, [REDACTED]. The Single Trial Judge finds that both of these factors reduce the degree of risk of flight.

21. The Single Trial Judge also places significant weight on Mr Kilaj's previous period of provisional release in Kosovo between 15 May and 5 December 2024, which was also conditioned on the payment of a security that would be forfeited upon non-appearance before the SC.⁴¹ As stated by the Court of Appeals Panel, the charges now faced by Mr Kilaj "carry a similar potential sentence of one to five years as the sentence Kilaj was aware of at the time of his conditional release".⁴² The acknowledged risk of flight at the time of Mr Kilaj's previous provisional release, which was then characterised as "serious",⁴³ did not materialise. On the contrary, there are no indications (and no submissions from the SPO asserting) that Mr Kilaj violated any of the conditions of release at all. This prior period of release, given his awareness at the time of potential charges as serious as those which he now faces,⁴⁴ must be accorded significant weight in assessing Mr Kilaj's current flight risk.⁴⁵ In similar circumstances, a Trial Chamber of the International Criminal Court held that "substantial weight

⁴¹ [First Kilaj Detention Appeal Decision](#), paras 6, 12.

⁴² [First Kilaj Detention Appeal Decision](#), para. 41.

⁴³ KSC-BC-2023-12, INV-F00273, Court of Appeals Panel, *Decision on the Specialist Prosecutor's Office's Appeal Against Decision on Isni Kilaj's Review of Detention* ("SPO Appeal Decision"), 13 May 2024, confidential, para. 22; a public redacted version was issued on 15 May 2024, [INV-F00273/RED](#).

⁴⁴ Mr Kilaj's awareness of charges carrying a sentence with a "similar potential sentence" to that which he now faces was expressly acknowledged by the Court of Appeals Panel. See [First Kilaj Detention Appeal Decision](#), para. 41 ("the charges, as confirmed by the Pre-Trial Judge, in fact carry a similar potential sentence of one to five years as the sentence Kilaj was aware of at the time of his conditional release").

⁴⁵ See [First Kilaj Detention Appeal Decision](#), para. 33 ("[T]he behaviour of a suspect or accused awaiting trial and his compliance with release conditions/court orders are relevant factors when reviewing the detention or considering applications for arrest warrants or release, though the weight to be attached to this factor must be assessed on a case by case basis"). Although the Fifth Review Decision did consider whether potential conditions of release could mitigate the Article 41(6)(b) risks, it did not expressly address the extent to which the previous period of conditional release was relevant to assessing the degree of flight risk itself. Even then, the degree to which conditions could mitigate risk is only expressly addressed in respect of the risk of obstruction and the risk of re-offending, not the risk of flight. See [Fifth Review Decision](#), paras 19-21, 30-33.

should be given to this factor because the Four Accuseds' pre-trial behaviour while released directly informs what risks may be caused by their continued release".⁴⁶ Indeed, the chances that he would attempt to flee now are substantially reduced as compared to May 2024 because he has now spent an additional year in detention, thus reducing by that period the sentence that he might face.

22. In light of the above, and despite the absence of any significant change in respect of the other factors identified in the Fifth Review Decision (including gravity of offences, and purported means to flee and mobilise support), the Single Trial Judge finds that Mr Kilaj does not present a risk of flight pursuant to Article 41(6)(b)(i), provided that he is released on the same or similar conditions of release as were ordered in May 2024.

2. Risk of Obstructing the Progress of SC Proceedings

23. The SPO submits that the following factors indicate a risk that Mr Kilaj would obstruct the progress of SC proceedings if provisionally released: (i) his demonstrated willingness to violate court orders and to intervene in proceedings to which he is not a Party, by willingly misusing witness-related information in wanton disregard for confidentiality rules; (ii) his knowledge of the charges against him and awareness of the evidence in support thereof; and (iii) his access to sensitive witness-related information.⁴⁷ The SPO further cites the persistent climate of witness and victim intimidation in Kosovo and Mr Kilaj's national profile as relevant contextual factors.⁴⁸

24. The Kilaj Defence submits that the opportunities for Mr Kilaj to interfere in the case of *The Specialist Prosecutor v. Hashim Thaçi et al.* ("*Thaçi et al.* trial" or

⁴⁶ International Criminal Court, *The Prosecutor v. Bemba et al.*, ICC-01/05-01/13-1151, Trial Chamber VII, [Decision Regarding Interim Release](#) ("*Bemba et al.* Decision on Interim Release"), 17 August 2015, para. 20.

⁴⁷ SPO Submissions, para. 6.

⁴⁸ SPO Submissions, para. 6.

“Case 06”) have reduced significantly as the evidence phase in that case is rapidly drawing to a close.⁴⁹ In particular, the Kilaj Defence argues that: (i) no additional Defence witnesses will be called in Case 06;⁵⁰ (ii) the Trial Panel in Case 06 does not intend to call any evidence;⁵¹ (iii) motions for rebuttal will only be granted on an exceptional basis;⁵² and (iv) the SPO has not raised the risk that Mr Kilaj interferes with any would-be rebuttal witness.⁵³ Moreover, the Kilaj Defence submits that the risk of interference with witnesses in the present case is low, given their profiles,⁵⁴ and highlights the lack of evidence that Mr Kilaj has ever acted on any confidential witness-related information in his possession.⁵⁵ Lastly, the Kilaj Defence argues that the proposed security of €40,000 demonstrates that he has no incentive to obstruct SC proceedings.⁵⁶

25. The Single Trial Judge finds that the considerations set out in the Fifth Review Decision and identified by the SPO continue to apply and, for the reasons set out in that decision, indicate a certain degree of risk of obstruction, notwithstanding the arguments of the Kilaj Defence that Mr Kilaj would not do so if provisionally released.⁵⁷

26. However, this risk is reduced in light of two factors. First, the witnesses to be relied upon as part of the SPO’s case-in-chief in the present case do not include those whom Mr Kilaj would most likely wish to influence, namely the alleged potential targets of interference by Mr Kilaj as determined in the

⁴⁹ Kilaj Response, paras 3, 14.

⁵⁰ Kilaj Response, para. 11.

⁵¹ Kilaj Response, para. 12.

⁵² Kilaj Response, para. 13.

⁵³ Kilaj Response, para. 13.

⁵⁴ Kilaj Response, para. 15.

⁵⁵ Kilaj Response, paras 16-17.

⁵⁶ Kilaj Response, para. 28.

⁵⁷ See [Fifth Review Decision](#), paras 22-23, 25.

Confirmation Decision.⁵⁸ Second, the presentation of evidence in the *Thaçi et al.* trial is now nearly complete (which is also a change of circumstance since the Fifth Review Decision).⁵⁹ The Single Trial Judge finds that these circumstances do not eliminate the possibility of witnesses who have already testified in Case 06 being retaliated against or otherwise improperly influenced to recant,⁶⁰ particularly given the backdrop of a pervasive climate of fear and intimidation in Kosovo against witnesses and potential witnesses of the SC.⁶¹ However, the opportunity for this risk to manifest is substantially lower than in respect of witnesses who have yet to testify.

27. Accordingly, while the risk of obstruction of the proceedings under Article 41(6)(b)(ii) remains, it is assessed as a moderate risk, if provisionally released.⁶²

3. Risk of Committing Further Offences

28. As regards the risk of committing further offences under Article 41(6)(b)(iii) of the Law, the Single Trial Judge recalls that, even though the existence of a risk of obstruction does not automatically translate into a risk of committing further offences, it does in the present case. The reasons to believe

⁵⁸ See KSC-BC-2023-12, F00459/A03, Specialist Prosecutor, *Annex 3 to Prosecution Submission of Pre-Trial Brief, Witness and Exhibit Lists*, 19 September 2025, confidential. The list of witnesses was resubmitted on 26 September 2025 under filing number F00467/A03, following the submission of a corrected version of the Pre-Trial Brief.

⁵⁹ See KSC-BC-2020-06, F03597, Trial Panel II, [Order Pursuant to Rules 134\(b\), \(d\) and 159\(6\) and Related Matters](#), 21 November 2025, public, para. 39.

⁶⁰ See [Fourth Review Decision](#), para. 23; [Third Review Decision](#), para. 31. See [Second Kilaj Detention Appeal Decision](#), para. 74, and references cited therein. See also KSC-BC-2020-06, IA033/F00006, Court of Appeals Panel, [Decision on Rexhep Selimi's Appeal Against Consolidated Decision on Request for Provisional Release and on Review of Detention](#), 13 August 2025, public, para. 54; IA035/F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against Consolidated Decision on Request for Provisional Release and on Review of Detention](#), 13 August 2025, public, para. 34.

⁶¹ [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 32; [Second Review Decision](#), para. 30; [First Review Decision](#), para. 25; [Decision on Arrest](#), para. 63. See also [Second Kilaj Detention Appeal Decision](#), para. 83.

⁶² [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 32; [Second Review Decision](#), para. 29.

that there is a real risk of obstruction of proceedings likewise support a finding of a real risk, albeit moderate, that alleged further offences would be committed for that purpose, including in relation to Defence witnesses who may provide evidence in the present case.⁶³

29. In light of the above, the Single Trial Judge concludes that there remains a moderate risk that Mr Kilaj would commit further offences, pursuant to Article 41(6)(b)(iii), if provisionally released.

4. Conclusion

30. The Single Trial Judge is satisfied, and finds, that there continues to be a real, albeit moderate, risk that Mr Kilaj may obstruct the progress of the SC proceedings and commit further offences under Article 41(6)(b)(ii) and (iii), respectively. The Single Trial Judge will assess below whether these risks can be adequately mitigated by any conditions of release.

D. POTENTIAL CONDITIONS OF RELEASE

31. An accused “can only be detained if lesser measures would *be insufficient to mitigate the risks* of flight, obstruction or the commission of further crimes”.⁶⁴ This standard reflects the presumption in favour of pre-trial release, which is itself a reflection of the bedrock principle of the presumption of innocence.⁶⁵

⁶³ See similarly [Fourth Review Decision](#), para. 27; [Third Review Decision](#), para. 34; [Second Review Decision](#), para. 32; [First Review Decision](#), para. 27; Decision on Detention, p. 123, lines 3-7; [Decision on Arrest](#), para. 65.

⁶⁴ [Second Kilaj Detention Appeal Decision](#), para. 32. See KSC-CC-PR-2017-01, F00004, Specialist Chamber of the Constitutional Court, [Judgment on the Referral of the Rules of Procedure and Evidence Adopted by Plenary on 17 March 2017 to the Specialist Chamber of the Constitutional Court Pursuant to Article 19\(5\) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office](#), 26 April 2017, public, para. 114; European Court of Human Rights, [Buzadji v. the Republic of Moldova](#), no. 23755/07, Judgment, 5 July 2016, para. 87; [Idalov v. Russia](#), no. 5826/03, Judgment, 22 May 2012, para. 140.

⁶⁵ KSC-BC-2020-06, IA003/F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Rexhep Selimi’s Appeal Against Decision on Interim Release](#) (“Selimi Appeal Decision”), 30 April 2021, public, paras 85-86, stating that “in the assessment of the Proposed Conditions, the [relevant Panel]

32. The Single Trial Judge has already addressed the impact of potential conditions of release in assessing the right of flight and need not repeat that assessment here.

33. As to the risk of obstructing proceedings or committing further offences, the Single Trial Judge is unable to find that any potential conditions of release would substantially reduce these risks. The Single Trial Judge notes that Mr Kilaj has offered the forfeiture of the security to be paid on his behalf in the event of the violation of any condition of his release, including those that might relate to contacting witnesses.⁶⁶ While this offer is taken into consideration, it is accorded little weight given the potential difficulty of detection and proof of such breaches to any legal standard. Other measures are likewise incapable of significantly reducing the possibility of direct or indirect contacts with potential witnesses or other sources of information relevant to this case.⁶⁷

34. In light of the above, the Single Trial Judge concludes that the conditions for Mr Kilaj's release previously proposed by the Kilaj Defence, and/or any *additional* reasonable conditions that could be realistically imposed by the Single Trial Judge, remain insufficient to adequately mitigate the risks under Article 41(6)(b)(ii)-(iii).

E. PROPORTIONALITY OF DETENTION

35. Rule 56(2) requires "that a person is not detained for an unreasonable period prior to the opening of the case". This standard likewise applies after the

is required, *proprio motu*, to inquire and evaluate all reasonable conditions that could be imposed on an accused and not just those raised by the Defence. The [Court of Appeals] Panel comes to this conclusion in light of the fundamental right of liberty at stake with regard to a suspect or an accused in pre-trial detention and the presumption of innocence governing this part of the proceedings".

⁶⁶ Kilaj Supplemental Submissions, para. 9; Annex 4 to the Kilaj Supplemental Submissions.

⁶⁷ See similarly [Fourth Review Decision](#), para. 31; [Third Review Decision](#), para. 38; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 33.

opening of the case and throughout trial proceedings.⁶⁸ The SPO “carries the burden of establishing that detention is necessary and that its length remains reasonable”,⁶⁹ and “any analysis of pre-trial detention must take the presumption of innocence as its starting point”.⁷⁰ As the Court of Appeals Panel has remarked, “the longer a person remains in pre-trial detention, the higher the burden on the Specialist Chambers to justify continued detention”.⁷¹

36. The determination of the reasonableness of continued detention “must be assessed on the facts of each case and according to its special features”.⁷² In particular, previous jurisprudence establishes that reasonableness is to be assessed by weighing various considerations, including: the duration of detention at the time of review;⁷³ “the nature of the offence as well as the severity of the penalty”;⁷⁴ “the degree of risks that are described in Article 41(6)(b) of the Law”;⁷⁵ the speed with which proceedings are progressing towards trial (or a final judgment), and whether the length of proceedings is justified by its

⁶⁸ See [Second Kilaj Detention Appeal Decision](#), para. 46 (“At the outset, the Appeals Panel recalls that a panel has a general obligation to ensure that the time spent in detention is reasonable, in accordance with Article 29(2) of the Constitution and Article 5(3) of the ECHR”); KSC-BC-2020-06, F03587, Trial Panel II, [Decision on Periodic Review of Detention of Jakup Krasniqi](#), 18 November 2025, public, paras 31-35 (applying Rule 56(2) and finding that continued detention remains “necessary and reasonable in the specific circumstances of this case”); F03539, Specialist Prosecutor, [Prosecution Submission Pertaining to Periodic Detention Review of Jakup Krasniqi](#), 27 October 2025, public, para. 26 (SPO arguing that the detention of Jakup Krasniqi “remains proportional”).

⁶⁹ See [Second Kilaj Detention Appeal Decision](#), para. 47.

⁷⁰ See [Selimi Appeal Decision](#), para. 37.

⁷¹ See KSC-BC-2020-07, IA001/F00005, Court of Appeals Panel, [Decision on Hysni Gucati’s Appeal on Matters Related to Arrest and Detention](#) (“Gucati Appeal Decision”), 9 December 2020, public, para. 73.

⁷² 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. 65.

⁷³ See [Selimi Appeal Decision](#), paras 79-81.

⁷⁴ See [Gucati Appeal Decision](#), para. 72 (“The Court of Appeals Panel takes the present opportunity to stress that the nature of the offence as well as the severity of the penalty are important factors to consider when deciding whether detention is necessary in the circumstances of a specific case”).

⁷⁵ See [Kilaj Release Decision](#), para. 60. See KSC-BC-2020-06, IA010/F00008, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi’s Appeal Against Decision on Review of Detention](#) (“Thaçi 2021 Appeal Decision”), 27 October 2021, public, para. 49.

complexity;⁷⁶ and the frequent review of detention which, pursuant to the Rules, occurs every two months.⁷⁷

37. The SPO argues that the additional two months of Mr Kilaj's detention since the last review does not change the balance of factors that substantiated the Pre-Trial Judge's finding in the Fifth Review Decision that Mr Kilaj's detention "remains proportionate".⁷⁸ The SPO underscores that a "potentially lengthy sentence lies ahead" for Mr Kilaj based on the two counts with which he is charged. It also highlights "the continued expeditious progress of proceedings" as reflected in various procedural, investigative and disclosure steps.⁷⁹ According to the SPO, the "numerous relevant factors result in a conclusion that Mr Kilaj's detention remains necessary and proportionate".⁸⁰ The SPO also advances new information in its Supplemental Submissions that purportedly demonstrate [REDACTED], which the SPO argues informs the proportionality analysis, and further tips the scale in favour of the proportionality of the duration of detention.⁸¹

38. Mr Kilaj argues that there have been "consequential changes and meaningful developments since the Fifth Review Decision", including the imminent closure of the evidential phase of Case 06; the continued potential for delays before the start of the proceedings in this case; and the additional period of detention, which brings his total period of pre-trial detention to "some 18½ months".⁸² Mr Kilaj also argues that a period of seven months of provisional release, during which time his liberty was "severely restricted", should also be

⁷⁶ See [Thaçi 2021 Appeal Decision](#), para. 52 ("[T]he Pre-Trial Chamber correctly assessed the circumstances of the case as a whole, taking into consideration the factors listed above in paragraph 50 of this decision"); [Kilaj Release Decision](#), para. 60 ("[T]he investigative and procedural steps taken towards moving the case forward since the last review of detention").

⁷⁷ See [Selimi Appeal Decision](#), para. 81.

⁷⁸ SPO Submissions, para. 9; [Fifth Review Decision](#), para. 37.

⁷⁹ SPO Submissions, para. 9

⁸⁰ SPO Submissions, para. 10.

⁸¹ SPO Supplemental Submissions, para. 9.

⁸² Kilaj Response, paras 2-5.

taken into consideration.⁸³ The period of detention, even taking the “Prosecution’s case at its highest”, now “exceeds any sentence of imprisonment of which [Mr Kilaj] would be at risk even if convicted” of both offences with which he is charged.⁸⁴ Mr Kilaj submits that these factors favour a finding that “detention is no longer reasonable or proportionate”.⁸⁵

39. The Single Trial Judge finds that, although the question is finely balanced, and despite the degree of Article 41(6)(b) risks identified in the previous section, the SPO has not met its burden of showing that Mr Kilaj’s continued detention continues to be reasonable. On the contrary, the duration of detention, given the specific facts applicable to Mr Kilaj’s case, has now reached the point of being unreasonable.

40. First, as of the date of this decision, Mr Kilaj has been in the detention of the SC for a total of 18 months and ten days. The statutory sentencing range for the more serious of the two offences with which he is charged, under Article 401(5) of the 2019 Kosovo Criminal Code, Code No. 06/L-074 (“KCC”), is one to five years.⁸⁶

41. The Single Trial Judge notes that he is “not required to address the ‘likely’ sentence an accused may face since considerations as to potential factors in case of a conviction and sentence should not form part of a decision on interim release” and that “the proportionality assessment should only be based on the circumstances at the time of the review”.⁸⁷ No such speculation is required to observe that Mr Kilaj’s period of pre-trial detention now significantly exceeds – by more than six months – the minimum sentence prescribed by the legislator

⁸³ Kilaj Response, para. 19.

⁸⁴ Kilaj Response, paras 21-24.

⁸⁵ Kilaj Response, para. 25.

⁸⁶ Pursuant to Rule 163(4), “[t]he single sentence [reflecting the totality of the criminal conduct of the Accused] shall not be less than the highest individual sentence determined in respect of each charge”.

⁸⁷ [Second Kilaj Detention Appeal Decision](#), para. 49.

for the more serious charge he faces. The Single Trial Judge will not speculate, even based on an assessment of the SPO's "case at its highest", whether the period of Mr Kilaj's now exceeds any eventual "likely" sentence, if there is a conviction. However, the fact that the period of detention now significantly exceeds the minimum sentence is a factor that favours provisional release.

42. Second, the period of detention to date also has an impact on the degree of risk under Article 41(6)(b), in particular the risk of obstructing proceedings. The incentive underlying these risks is reduced in proportion to any potential sentence, which diminishes with each passing day in detention. Although the potential unserved sentence on the more serious charge is still up to three-and-a-half years, this is now a full year less than when Mr Kilaj was provisionally released in May 2024, at which time he was already aware that he would potentially face charges under Article 401(2) of the KCC.⁸⁸

43. Third, and relatedly, no evidence has been presented by the SPO that Mr Kilaj attempted to obstruct the proceedings against him (or to flee, for that matter) during his 204-day period of provisional release between May and December 2024.⁸⁹ Despite these risks being assessed at that time as "serious",⁹⁰ there is no evidence that they manifested in any way. While this does not exclude the possibility that such efforts went undetected, particularly in respect of obstruction, the absence of such indications is a factor that "directly informs what risks may be caused" from a second period of release.⁹¹ Indeed, the absence

⁸⁸ See above para. 21.

⁸⁹ [Fifth Review Decision](#), para. 34 ("The Pre-Trial Judge recalls that: (i) Mr Kilaj was detained from 2 November 2023 to 15 May 2024, and again since his arrest on 5 December 2024").

⁹⁰ [SPO Appeal Decision](#), para. 22.

⁹¹ [Bemba et al. Decision on Interim Release](#), paras 19-20 ("[T]he Prosecution present no evidence, beyond mere speculation, that any of the Four Accused has done anything while released to suggest they may constitute a flight risk, obstruct investigations, or continue to commit further crimes [...] The behaviour of detainees awaiting trial is a relevant factor when considering interim release, though the weight to be attached to this factor must be assessed on a case by case basis. In the present case, the Chamber considers that substantial weight should be given to this factor because the Four

of such indications is particularly relevant given that the potential duration of post-conviction detention was much longer – and the correlative incentive to obstruct much higher – in May 2024 than it is now.

44. Fourth, the evidential phase of Case 06, including the presentation of Defence evidence, is now largely closed.⁹² Along with the further period of detention of Mr Kilaj, this is a material change of circumstance since the last detention review decision. Indeed, the Pre-Trial Judge expressly relied on the continuation of trial proceedings in Case 06 as a risk factor favouring continuing Mr Kilaj's detention.⁹³ Although there is a risk that witnesses who previously testified in Case 06 are influenced to recant,⁹⁴ this possibility is substantially lower than the risk of influence on witnesses yet to testify.

45. Fifth, while the danger of influencing witnesses yet to testify remains in Case 12, the opportunity to do so must be assessed as extremely low in respect of the SPO's case, which relies on documentary evidence which, and witnesses whom, Mr Kilaj cannot plausibly interfere or influence.⁹⁵ The Single Trial Judge is mindful of his previous findings concerning a risk of obstruction by Mr Kilaj which are now potentially fortified by the additional information presented in the SPO's Supplemental Submissions,⁹⁶ and that this risk would be most likely to manifest in respect of potential Case 12 Defence witnesses, especially given the climate of witness interference in Kosovo, which has been acknowledged in

Accused's pre-trial behaviour while released directly informs what risks may be caused by their continued released").

⁹² See *above* para. 26.

⁹³ [Fifth Review Decision](#), para. 24 ("The Pre-Trial Judge also recalls that the risk of obstruction has not ceased to exist with the closure of the SPO's case-in-chief in the [Thaci et al trial], as proceedings remain ongoing"); [Third Review Decision](#), para. 31 ("proceedings in Case 06 remain ongoing and the Trial Panel may hear evidence from the participating victims, defence witnesses and rebuttal witnesses, including by witnesses who have already testified").

⁹⁴ See *above* para. 26.

⁹⁵ See *above* para. 26.

⁹⁶ SPO Supplemental Submissions, paras 4-10.

previous jurisprudence.⁹⁷ The Single Trial Judge rejects the SPO's submission that no provisional release should be ordered until the results of ongoing investigations [REDACTED] are completed.⁹⁸ The potential of the future discovery of information is too remote and speculative, especially as compared to the charged conduct whose factual foundation is more substantiated as a basis for assessing the Article 41(6)(b)(ii) risk.

46. Sixth, the SPO has now confirmed that it has substantially completed investigations in this case.⁹⁹ The only remaining areas of investigation are beyond the potential influence of Mr Kilaj.

47. The Single Trial Judge is aware and takes into account his own findings concerning the existence of the Article 41(6)(b)(ii) and (iii) risks in respect of Mr Kilaj.¹⁰⁰ Yet, such a finding is not incompatible with a finding that a period of pre-trial detention has become unreasonable and disproportionate, taking into consideration all relevant factors. As the Court of Appeals Panel has acknowledged, even the existence of "serious risks" may be outweighed in a particular case by an accused's "fundamental right to liberty".¹⁰¹ In the present case, the degree of risk is significantly lower than "serious", and is outweighed by other factors including: (i) the period of detention, which is now within the statutory sentencing range, even if Mr Kilaj were to be convicted of all offences with which he is charged; (ii) the imminent closure of the hearing of evidence

⁹⁷ [Second Kilaj Detention Appeal Decision](#), para. 83 ("it was reasonable for the Pre-Trial Judge to be mindful of the climate of witness interference prevailing in Kosovo, as a contextual factor, in conducting its assessment of the risk that Kilaj would obstruct the proceedings of the Specialist Chambers").

⁹⁸ SPO Supplemental Submissions, para. 8.

⁹⁹ KSC-BC-2023-12, F00559, Specialist Prosecutor, *Prosecution Submissions Pursuant to F00549*, 20 November 2025, confidential, para. 7; a public redacted version was filed on 26 November 2025, F00559/RED.

¹⁰⁰ See above paras 27, 29-30.

¹⁰¹ [SPO Appeal Decision](#), para. 22 ("Notwithstanding the persistence of these serious risks, the Single Judge determined that they do not outweigh Kilaj's fundamental right to liberty"); [Kilaj Release Decision](#), para. 63 ("the existence of these risks does not outweigh Mr Kilaj's fundamental right to liberty").

in Case 06; (iii) the nature of the case to be presented by the SPO in Case 12; and (iv) the previous period of provisional release. The interference with Mr Kilaj's fundamental right to liberty, in these circumstances, is not outweighed by the existence of the Article 41(6)(b)(ii) and (iii) risks. Having regard to all of the above factors and duly considering Mr Kilaj's presumption of innocence, extending Mr Kilaj's detention in these circumstances would be unreasonable pursuant to Rule 56(2).

F. CONDITIONS OF RELEASE

48. As discussed above, the Single Trial Judge considers that the conditions of release in May 2024 are a proven and appropriate framework for provisional release. The SPO has suggested [REDACTED].¹⁰²

49. The Single Trial Judge notes that these specific measures go far beyond what was required during Mr Kilaj's previous period of provisional release. The latter two restrictions would prohibit a wide range of innocent contacts.

50. The Single Trial Judge decides to order the following conditions for Mr Kilaj's release:

- (a) Mr Kilaj shall not leave the territory of Kosovo unless so authorized by a competent panel of the SC;
- (b) Mr Kilaj shall surrender to the Registrar his passport and any other travel documents, including visas and any other identity documents that can be used to travel – this extends to any new passport or travel document that is issued by the Kosovo authorities, or any other authorities, after the rendering of this decision; if Mr Kilaj's presence is required at the seat

¹⁰² SPO Supplemental Submissions, para. 12.

- of the SC, the Registry will provide him with his passport for that sole purpose; his passport shall be re-surrendered upon his return to Kosovo;
- (c) Mr Kilaj shall provide an address at which he will reside for the duration of the judicial proceedings and shall request permission from the SC prior to any change of residence;
- (d) Mr Kilaj shall provide a financial security to the Registrar as a pre-condition for his release in the form of a monetary transfer in the amount of EUR 40,000 [REDACTED];
- (e) Mr Kilaj shall refrain from any contact, or communication, direct or indirect (through any other person), of any kind and through any means, with his co-accused (Hashim Thaçi, Bashkim Smakaj, Fadil Fazliu, and Hajredin Kuçi), or with any person whom he knows to be a visitor to any of his co-accused in the SC Detention Facilities;
- (f) Mr Kilaj shall refrain from any contact or communication, direct or indirect (through any other person),¹⁰³ of any kind and through any means, with any person whom he knows to be a witness in this or any other case before the SC;
- (g) Mr Kilaj shall refrain from any contact or communication, direct or indirect (through any other person), with any person alleged in the Confirmed Indictment as having participated in or assisted the obstructive conduct in this case, [REDACTED];
- (h) Mr Kilaj shall not discuss, except with the designated members of his Defence team, the substance of his case, whether public or confidential information, with anyone, including close family members, and shall

¹⁰³ Lawful contacts through counsel in accordance with the applicable orders and statutory provisions of the SC are evidently not encompassed by this prohibition.

advise anyone who makes inquiries about his case that he is subject to such a prohibition by the SC;

- (i) Mr Kilaj shall refrain from making, directly or indirectly (for example through family members), any public statement to the media and/or on social media regarding the SC, the SPO and/or any SC proceedings;
- (j) Mr Kilaj shall make himself available for a weekly verification check by the Kosovo Police, in accordance with the procedures designated by the Registrar;
- (k) Mr Kilaj shall surrender himself to the custody of the SC, if so ordered, and shall attend any hearing as required by the SC; any failure to appear before the SC, as ordered, will lead to the forfeiture of the financial security in sub-paragraph (d) and the immediate issuance of a warrant of arrest;
- (l) Mr Kilaj shall inform the Registrar of the address where he will reside while present on the territory of the Host State for the purpose of attending court hearings and shall abide by any restrictions to his movements on the territory of the Host State, which may be imposed on him by the Host State during the period of his stay thereon;
- (m) Mr Kilaj shall respect the classification of the present decision and shall not release, disclose or otherwise discuss its contents, directly or indirectly, with any person, including any accused in the Detention Facilities and his family, with the exception of his counsel until the present decision has been made public upon order of the Single Trial Judge; and
- (n) Mr Kilaj shall abide by any other decision, order or instruction of the Single Trial Judge and the Registrar.

51. The Single Trial Judge emphasises that, should any of the above conditions be violated, a warrant will be immediately issued for Mr Kilaj's arrest.

52. Mr Kilaj and his Defence team are ordered not to reveal the content of this decision, which remains confidential, to any other person, including other accused in the SC Detention Facilities and family members, until all practical arrangements have been put in place and Mr Kilaj's secure release in Kosovo is ensured. [REDACTED].

V. CLASSIFICATION

53. The present decision is temporarily classified as confidential for security reasons. If and when the process of release is complete, a public redacted version of this decision will be issued.

VI. DISPOSITION

54. For the above-mentioned reasons, the Single Trial Judge hereby:

- a. **GRANTS** Mr Kilaj's request for an extension of time to file the Kilaj Response;
- b. **ORDERS** Mr Kilaj's release from detention in accordance with the Host State Agreement, subject to strict conditions, as outlined in paragraph 50 of the present decision, pending the implementation of all necessary practical arrangements by the Registrar;
- c. **ORDERS** the Registrar to [REDACTED], and to make all other necessary arrangements for the implementation of the present decision;
- d. **DETERMINES** that Mr Kilaj's release, as ordered in sub-paragraph b above, shall take effect upon full payment of the financial security for his release, in accordance with paragraph 50(d) of the present decision, and **DECIDES** to extend Mr Kilaj's detention until such time;
- e. **ORDERS** the Registrar to put on record when Mr Kilaj's financial security has been received [REDACTED];
- f. **ORDERS** the Registrar to make all practical arrangements as expeditiously as possible, and **AUTHORISES** the Registrar to liaise with the competent authorities of the Host State and any other competent authorities, as necessary; and
- g. **ORDERS** Mr Kilaj and his Defence team not to reveal the content of this decision, which remains confidential, to any other person, including other accused in the SC Detention Facilities and family members, until all practical arrangements have been put in place and

Mr Kilaj's secure release in Kosovo is ensured, as outlined in paragraph 52 of the present decision.



Judge Christopher Gosnell
Single Trial Judge

Dated this Wednesday, 3 December 2025
At The Hague, the Netherlands.