



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

**Date:** 31 March 2026

**Language:** English

**Classification:** Public

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**Public Redacted Version of Decision on Fadil Fazliu's Urgent Request for  
Variation of Condition of Release**

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**Specialist Prosecutor**  
Kimberly P. West

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David Young

**Registrar**  
Fidelma Donlon

**THE SINGLE TRIAL JUDGE**, pursuant to Article 41(12) of the Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rule 56(2), (5) and (6) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers,<sup>1</sup> hereby issues this decision.

## I. PROCEDURAL BACKGROUND

1. On 3 February 2026, the Single Trial Judge ordered the provisional release of Fadil Fazliu ("Mr Fazliu") in Kosovo.<sup>2</sup>
2. On 10 February 2026, Mr Kilaj was transferred to Kosovo, where he was released from the custody of the Specialist Chambers ("SC").<sup>3</sup>
3. On 25 March 2026, the Defence for Mr Fazliu ("Defence") filed an urgent request before the Single Trial Judge to permit him to travel from Kosovo to [REDACTED] to visit [REDACTED], who is said to be terminally ill.<sup>4</sup>
4. On 27 March 2026, the Specialist Prosecutor's Office ("SPO") filed its response, indicating that it was unable to assess whether the Request met the requisite legal threshold, but otherwise requesting that the existing conditions of release be maintained.<sup>5</sup>

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<sup>1</sup> All references to "Article" and "Rule" shall be understood, unless otherwise indicated, as referring to the Law and Rules.

<sup>2</sup> KSC-BC-2023-12, F00720, Single Trial Judge, *Seventh Decision on Review of Detention of Fadil Fazliu* ("Decision on Release"), 3 February 2026, confidential and *ex parte*; a public redacted version was issued on 10 February 2026, [F00720/RED](#).

<sup>3</sup> KSC-BC-2023-12, F00733, Registrar, [Notification of Fadil Fazliu's Transfer to Kosovo](#), 10 February 2026, public.

<sup>4</sup> KSC-BC-2023-12, F00816, Fazliu Defence, *Fazliu Urgent Request for Authorisation to Leave Kosovo* ("Request"), 25 March 2026, confidential and *ex parte*, with Annex 1 ("Medical Documentation"), confidential and *ex parte*.

<sup>5</sup> KSC-BC-2023-12, F00818, Specialist Prosecutor, *Prosecution Response to Fazliu Urgent Request* ("SPO Response"), 27 March 2026, confidential and *ex parte*.

## II. SUBMISSIONS

### A. REQUEST

5. The Defence requests that Mr Fazliu be authorised to leave Kosovo in order to travel to [REDACTED] to visit [REDACTED] , [REDACTED] (“[REDACTED]”),<sup>6</sup> who is said to be “terminally ill” and whose medical condition is described, based on the attached Medical Documentation, as “critical and rapidly deteriorating”.<sup>7</sup> The Defence specifies that [REDACTED] has been diagnosed with [REDACTED] which has now [REDACTED] and is progressing.<sup>8</sup> [REDACTED] is currently in [REDACTED], [REDACTED] and receives treatment at [REDACTED].<sup>9</sup>

6. The Defence submits that Mr Fazliu has not seen [REDACTED] since the summer of 2024, and that he has been unable to provide the support that he would have liked due to his period of detention and ongoing proceedings at the SC. As [REDACTED]’s condition deteriorates, Mr Fazliu eagerly wishes to visit [REDACTED] to be able to “say a meaningful goodbye while [REDACTED] is still in a state to do so.”<sup>10</sup>

7. Mr Fazliu requests that the Single Trial Judge authorise that he be permitted to travel from Kosovo to [REDACTED] to visit on or around the weekends of 28-29 March or 4-5 April 2026.<sup>11</sup> He reaffirms his intention to attend the Defence Preparation Conference via video-link on 1 April 2026 from

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<sup>6</sup> Request, paras 1, 9.

<sup>7</sup> Request, paras 3-4.

<sup>8</sup> Request, para. 4.

<sup>9</sup> Request, para. 5.

<sup>10</sup> Request, para. 6.

<sup>11</sup> Request, para. 7 (“[t]he intention is for the trip to last for 2 days over the weekend of 28-29 March or, if unfeasible, 4-5 April 2026” and that “if the plane tickets are unavailable to accommodate a Saturday-and-Sunday visit, the departure and return may be shifted by one or two days”). *See also* para. 9.

Kosovo, and his commitment to abide by the conditions of release to which he is subject by virtue of the Decision on Release.<sup>12</sup>

## B. SPO RESPONSE

8. The SPO submits that it is unable to assess whether the request meets the requisite legal standard, in light of, *inter alia*, the incompleteness and illegibility of portions of the Medical Documentation, as well as the lack of submissions and clear support explaining the medical exigency.<sup>13</sup>

9. The SPO also contends that “should the Single Trial Judge determine that FAZLIU has satisfied the legal standard, any brief authorised travel and family visit outside of Kosovo should be subject to the existing relevant release restrictions.”<sup>14</sup> In particular, the SPO considers it essential that the conditions governing Mr Fazliu’s contact with previously-identified individuals remain in place during any travel outside of Kosovo, given the stage of the proceedings.<sup>15</sup>

## III. APPLICABLE LAW

10. Article 41(12) and Rule 56(2), (5) and (6) authorise the imposition and variation of conditions upon a person provisionally released pending the determination of charges against them.<sup>16</sup>

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<sup>12</sup> Request, para. 8.

<sup>13</sup> SPO Response, para. 1.

<sup>14</sup> SPO Response, para. 2.

<sup>15</sup> SPO Response, para. 2.

<sup>16</sup> See F00760/RED, Single Judge, [Public Redacted Version of Decision on Application for Temporary Variation of Conditions for Release](#), 18 September 2024, public, para. 28 (“the Law and the Rules, including Rule 56(2) of the Rules [...] empower a Panel to establish conditions deemed appropriate to mitigate the risks outlined in Article 41(6)(b) of the Law. By the same token, the Panel is vested with the discretionary power to vary said conditions”).

#### IV. DISCUSSION

11. The Defence seeks a temporary variation of the following condition set out in paragraph 63(a) of the Decision on Release, on compassionate grounds: “Mr Fazliu shall not leave the territory of Kosovo unless so authorized by a competent panel of the SC”.<sup>17</sup>

12. The Single Trial Judge recalls that, in the Decision on Release, he found that Mr Fazliu “does not present a risk of flight under Article 41(6)(b)(i), provided that he is released on the conditions set out below, in particular the provision of a security of €40,000 bail that would be forfeited if he were to refuse to attend court proceedings and become a fugitive”.<sup>18</sup> In light of the bail condition,<sup>19</sup> the Single Trial Judge considers that Mr Fazliu’s short period of travel to [REDACTED], and providing him his passport for that purpose, does not significantly alter that assessment.

13. Turning to the risks of obstruction and the commission of further offences, the Single Trial Judge likewise does not find that traveling to [REDACTED], in itself, significantly enhances these “moderate risks”.<sup>20</sup> All the existing prohibitions on contact and disclosure of information in the Decision on Release<sup>21</sup> shall continue to apply to Mr Fazliu during his travels. The Single Trial Judge underscores that Mr Fazliu shall continue to have no contact with his son, Fahri Fazliu, except through the approved mechanism,<sup>22</sup> which precludes any such contacts while he is not at his residence in Kosovo.

14. The Single Trial Judge is also satisfied that a sufficient showing of good cause has been made by Mr Fazliu for the requested variation. [REDACTED] is

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<sup>17</sup> [Decision on Release](#), para. 63(a).

<sup>18</sup> [Decision on Release](#), para. 28.

<sup>19</sup> [Decision on Release](#), paras 63(d), 68(c); KSC-BC-2023-12, F00724, Registrar, *Registry Notification of Payment of Financial Security for Mr Fazliu*, 5 February 2026, confidential and *ex parte*.

<sup>20</sup> [Decision on Release](#), para. 38.

<sup>21</sup> See [Decision on Release](#), para. 63(e)-(j).

<sup>22</sup> [Decision on Release](#), paras 62, 63(f).

said to be Mr Fazliu's [REDACTED] and, therefore, a close family member. [REDACTED] condition appears to be more serious than Mr Fazliu previously thought, based on the Medical Documentation submitted. Serious medical conditions of close family members have in the past been a basis for provisional release itself.<sup>23</sup> Accordingly, the Single Trial Judge considers that Mr Fazliu's wish to visit his seriously ailing [REDACTED] constitutes sufficient cause for the variation of conditions of release requested.

15. The Single Trial Judge also considers that the requested visit will not disrupt the progress of the proceedings and will not negatively affect the rights of the other Accused in this case to a trial without undue delay.

16. Considering the timing of the upcoming Defence Preparation Conference (1 April 2026) and Defence Case (starting 7 April 2026),<sup>24</sup> and acknowledging

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<sup>23</sup> See e.g. KSC-CA-2022-01, F00020/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Gucati's Third Request for Temporary Release on Compassionate Grounds](#), 30 June 2022, public, para. 11 ("[t]he Panel recalls that pursuant to Rule 56(3) of the Rules, upon request by a detained person or *proprio motu*, the Panel may order the temporary release of a detained person, where compelling humanitarian grounds justify such release. [...] Among the factors to be considered in this assessment are the stage of the proceedings, the nature of the criminal offence, the accused's character, the gravity of the relative's illness, the degree of kinship, the possibility of escorted leave and other circumstances informing the alleged 'humanitarian' grounds"); F00043/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Gucati's Fourth Request for Temporary Release on Compassionate Grounds](#), 13 September 2022, para. 16. See also KSC-BC-2020-06, F03004/RED, Trial Panel II, [Public Redacted Version of Decision on Thaçi Defence Fifth Urgent Request for Temporary Release on Compassionate Grounds](#), 12 March 2025, public, paras 16-17; F00386/RED, Pre-Trial Judge, [Public Redacted Version of Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds](#), 8 July 2021, public, para. 11; F00271/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds](#), 30 April 2021, public, paras 13-14; KSC-BC-2020-07, F00604/RED, Trial Panel II, [Public Redacted Version of the Decision on Gucati Defence Request for Temporary Release on Compassionate Grounds](#), 9 May 2022, public, paras 11-12, 15. Similarly, see, International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Strugar*, IT-01-42-A, Appeals Chamber, [Decision on the Renewed Defence Request Seeking Provisional Release on Compassionate Grounds](#), 15 April 2008, paras 10-11; *Prosecutor v. Šainović et al.*, IT-05-87-A, Appeals Chamber, [Public Redacted Version of the Decision on Sreten Lukić's Second Motion for Provisional Release on Compassionate Grounds](#), 14 July 2010, paras 11, 13; *Prosecutor v. Popović et al.*, IT-05-88-T, Trial Chamber II, [Decision on Pandurević's Motion for Provisional Release](#), 21 July 2008, para. 22.

<sup>24</sup> KSC-BC-2023-12, F00790, Single Trial Judge, [Scheduling Order](#), 13 March 2026, public.

Mr Fazliu's requests to attend both via video-conference from Kosovo,<sup>25</sup> the Single Trial Judge finds that the most appropriate moment for Mr Fazliu to travel to [REDACTED] would be during the second period proposed by the Defence, namely **2-6 April 2026**.<sup>26</sup> Further, the Single Trial Judge does not deem it necessary to limit the visit to two days only, but it must be within the period specified. Accordingly, the Single Trial Judge instructs Mr Fazliu to inform the Panel and Registry of the exact travel dates and his place of accommodation in [REDACTED], as well as all locations he intends to visit while in [REDACTED], once all travel arrangements have been made.

## V. CLASSIFICATION OF FILINGS

17. Having regard to the principle of publicity, while also mindful of [REDACTED]'s privacy rights and the importance of maintaining Mr Fazliu's security during his travels, the Single Trial Judge instructs the Defence to submit a public redacted version of the Request, or to request its reclassification as public, after 6 April 2026, but before 15 April 2026.

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<sup>25</sup> KSC-BC-2023-12, F00804, Fazliu Defence, *Fazliu Defence Rule 68(2) Request for Remote Attendance*, 23 March 2026, public, with Annex 1, confidential; F00807, Fazliu Defence, *Fazliu Defence Transmission of the Rule 96(2)(c) Written Consent*, 23 March 2026, public, with Annex 1, confidential.

<sup>26</sup> Request, para. 9.

## VI. DISPOSITION

18. For the above-mentioned reasons, the Single Judge hereby:
- a. **GRANTS** the Request and temporarily varies the condition set out in paragraph 63(a) of the Decision on Release, as described in paragraph 16 of the present decision;
  - b. **ORDERS** the Registrar to make arrangements to provide Mr Fazliu with his passport at the earliest opportunity, to enable him to travel to [REDACTED] during the period 2-6 April 2026;
  - c. **ORDERS** Mr Fazliu to inform the Panel and Registry of the details of his travel, including flight booking and accommodation arrangements, as well as all locations he intends to visit while in [REDACTED], once those arrangements have been made;
  - d. **REMINDS** Mr Fazliu that all other conditions set out in the Decision on Release shall continue to apply during his travels;
  - e. **ORDERS** Mr Fazliu to re-surrender his passport to the Registry upon his return to Kosovo;
  - f. **ORDERS** Mr Fazliu to respect the classification of the present decision, which shall require him not to release, disclose or otherwise discuss its contents, directly or indirectly, with any person, including any accused in the Detention Facilities and his family, except with designated members of his Defence team and as strictly required with close family members, until it has been made public upon order of the Single Trial Judge; and

- g. **ORDERS** the Defence to submit a public redacted version of the Request (core filing F00816), or to request its reclassification as public, after 6 April 2026, but before 15 April 2026.



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

Dated this Tuesday, 31 March 2026

At The Hague, the Netherlands