



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA 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:** 19 June 2026

**Language:** English

**Classification:** Public

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**Public Redacted Version of Decision on the Fazliu Defence Request for  
Temporary Variation of a Release Condition**

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**THE SINGLE TRIAL JUDGE**, pursuant to Article 41(12) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rules 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 12 June 2026, Mr Fazliu (the "Defence") requested that he be permitted to travel outside of Kosovo to attend the wedding ceremony of a friend's son.<sup>3</sup>
3. On 17 June 2026, the Specialist Prosecutor's Office ("SPO") responded to the Request.<sup>4</sup>

## II. SUBMISSIONS

### A. REQUEST

4. The Defence requests that Mr Fazliu be authorised to leave Kosovo in order "to travel to Montenegro from 25 June to 28 June, for the purpose of attending a wedding of a close family friend".<sup>5</sup> The Defence specifies that "[t]he Fazliu family has maintained a longstanding and close friendship with [REDACTED] and his family, for more than 40 years"; "the nature of their relationship [...] goes beyond that of an ordinary friendship"; and "the wedding

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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, respectively.

<sup>2</sup> KSC-BC-2023-12, F00720, Single Trial Judge, *Seventh Decision on Review of Detention of Fadil Fazliu* ("Release Decision"), 3 February 2026, confidential and *ex parte*, para. 63(a); public redacted version issued on 10 February 2026, [F00720/RED](#).

<sup>3</sup> KSC-BC-2023-12, F00934, Fazliu Defence, *Fazliu Defence Request for Temporary Variation of a Release Condition* ("Request"), 12 June 2026, confidential, para. 7.

<sup>4</sup> KSC-BC-2023-12, F00937, Specialist Prosecutor, *Prosecution Response to 'Fazliu Defence Request for Temporary Variation of a Release Condition'* ("Response"), 17 June 2026, confidential.

<sup>5</sup> Request, para. 1.

is of exceptional personal significance and emotional importance for the entire Fazliu family, and particularly Mr. Fazliu".<sup>6</sup>

5. The Defence submits that, if the request is granted, "the current intention of Mr Fazliu is to stay in [REDACTED], Montenegro for a period of three days, from 25 June to 28 June 2026".<sup>7</sup> Mr Fazliu intends to attend the wedding together with [REDACTED], and plans "to travel by car from Pristina to Montenegro on 25 June 2026, and return to Pristina after the wedding celebrations, on 28 June 2026".<sup>8</sup>

6. The Defence argues that the Single Trial Judge's previous assessment that Mr Fazliu is not a flight risk, given the conditions upon which he has been released, is not altered by the proposed travel,<sup>9</sup> nor does it enhance the recognised risk of obstruction recognised in the Release Decision.<sup>10</sup> The Defence asserts in this regard that Mr Fazliu "has fully complied with all conditions" imposed upon him in the Release Decision.<sup>11</sup>

## B. RESPONSE

7. The SPO takes no position on Mr Fazliu's request "to travel to Montenegro for the purpose of attending the wedding of a family friend, including whether it meets the requisite legal standard".<sup>12</sup> The SPO underscores that in the event the Request is granted, Mr Fazliu "must remain subject to existing relevant release restrictions while outside of Kosovo, particularly those governing his contact with previously-identified individuals".<sup>13</sup>

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<sup>6</sup> Request, para. 8.

<sup>7</sup> Request, para. 9.

<sup>8</sup> Request, para. 9.

<sup>9</sup> Request, para. 10.

<sup>10</sup> Request, para. 11.

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

<sup>12</sup> Response, para. 1.

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

### III. APPLICABLE LAW

8. Article 41(6) prescribes the grounds upon which a person may be detained by the Specialist Chambers, which include the existence of a risk of flight, a risk of obstructing the progress of criminal proceedings in some way, or a risk of repeating the criminal offence. Article 41(12) authorises the imposition of measures alternative to detention to ensure the presence of an accused during proceedings, to prevent reoffending or to ensure the successful conduct of proceedings, including “[b]ail with release in Kosovo”. In addition, Rule 56(5) permits a Panel to “impose such conditions upon the release as deemed appropriate to ensure the presence of the detained person”.<sup>14</sup>

9. A Panel has an inherent authority to vary any conditions imposed, which is ordinarily based on a showing of “good cause”.<sup>15</sup> The Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (“ICTY”), while emphasising the discretionary nature of such decisions, has commented that “Trial Chambers tend to allow modification for humanitarian grounds and tend to refuse them where the accused presents no new evidence to show that circumstances have changed”.<sup>16</sup>

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<sup>14</sup> See KSC-BC-2023-12, INV/F00199/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”).

<sup>15</sup> KSC-BC-2023-12, F00833, Single Trial Judge, *Decision on Fadil Fazliu’s Urgent Request for Variation of Condition of Release* (“Decision F833”), 31 March 2026, confidential and *ex parte*, paras 14, 18(a).

<sup>16</sup> ICTY, *Prosecutor v. Haradinaj et al.*, [Decision on Ramush Haradinaj’s Modified Provisional Release](#), Case no.IT-04-84-AR65.1, 10 March 2006, para.24; *Prosecutor v. Prlić et al.*, [Decision on Slobodan Praljak’s Urgent Application for Variation of Conditions of Provisional Release](#), Case no. IT-04-74-PT, 3 August 2005, p. 2 (“the Application which is based on the Accused’s ‘moral obligation to attend the ceremony’ and ‘pay respect to those who lost their lives in homeland war, and particularly those who served under his command in that war’ because he ‘personally participated in military action of Croatian Army for liberation of Croatia’s territories that were occupied by Serb rebels and JNA forces from 1991 till 5 August 1995’ is not characterized as a request on humanitarian grounds”).

#### IV. DISCUSSION

10. Permitting Mr Fazliu to travel to Montenegro for four days would require variation of the Release Decision's condition that "Mr Fazliu shall not leave the territory of Kosovo unless so authorized by a competent panel of the SC".<sup>17</sup> Various other conditions in the Release Decision presuppose the existence of this condition, including that Mr Fazliu surrender his passport to the Registry; designate a place of residence in Kosovo for the duration of his release; and make himself available for a weekly verification check by the Kosovo police.<sup>18</sup> Furthermore, Mr Fazliu's release is subject to forfeiture of a bail amount, which Article 41(12) expressly describes as "[b]ail with release *in Kosovo*" (italics added). Accordingly, various conditions of the Release Decision are predicated on Mr Fazliu not leaving the territory of Kosovo during his provisional release.

11. The condition that Mr Fazliu is not to leave the territory of Kosovo may be varied, as occurred when the Single Trial Judge authorised Mr Fazliu to visit his seriously ill [REDACTED].<sup>19</sup> Visiting a seriously ill close family member was found, as in cases involving the temporary release of a detainee,<sup>20</sup> to constitute

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

<sup>18</sup> [Release Decision](#), paras. 63(b), (c), k).

<sup>19</sup> Decision F833, para. 18(a).

<sup>20</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.

“good cause” for variation of the prohibition on travel outside the designated territory of release.<sup>21</sup>

12. Here, the justification advanced for Mr Fazliu being permitted to leave the territory of Kosovo is that he wishes to attend the wedding of the son of a close friend.<sup>22</sup> Although a passing reference is made to Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (without citation to any specific jurisprudence),<sup>23</sup> no suggestion is made that this constitutes compelling humanitarian grounds.

13. In the absence of any such justification, or any other significant change of circumstance, good cause is not established for variation of the existing conditions of provisional release. As reflected in Article 41(12) and in the Release Decision, there is a presumption that a person on bail shall not leave the territory of Kosovo. The Single Trial Judge does not consider that this condition, which is integral to his assessment of the risk of flight,<sup>24</sup> should be varied in the absence of a showing of good cause. Mr Fazliu’s return to Kosovo from [REDACTED] without absconding, and the fact that the bail provided would be subject to forfeiture, does not alter the basis on which the conditions of release were originally determined. Those conditions will be varied only upon a showing of good cause, which requires a showing of some important humanitarian consideration or other significant change of circumstance. That showing has not been made in the present case.

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<sup>21</sup> Decision F833, para. 14.

<sup>22</sup> Request, para. 7.

<sup>23</sup> Request, para. 10.

<sup>24</sup> [Release Decision](#), para. 28 (“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”).

V. DISPOSITION

14. Accordingly, the Single Trial Judge:

- a. **DENIES** the Request; and
- b. **INSTRUCTS** the Defence to file a public redacted version of the Request (filing F00934) by Friday, 26 June 2026.



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

Dated this Friday, 19 June 2026

At The Hague, the Netherlands.