



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 June 2025

Language: English

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Third Decision on Review of Detention of Hashim Thaçi

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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, Hashim Thaçi ("Mr Thaçi" or "Accused"), already detained at the Detention Facilities of the Specialist Chambers ("SC") in the context of the proceedings of *The Specialist Prosecutor v. Hashim Thaçi et al.* ("Case 06" and ("*Thaçi et al.* trial"), was served with an arrest warrant, issued by the Pre-Trial Judge in the present proceedings,² *proprio motu* and further to the confirmation of an indictment against him, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi ("Confirmation Decision").³

2. On 8 December 2024, at the initial appearance of Mr Thaçi, the Pre-Trial Judge ordered his continued detention ("Decision on Detention").⁴

3. On 7 February 2025, the Pre-Trial Judge ordered Mr Thaçi's continued detention ("First Review Decision").⁵

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

² KSC-BC-2023-12, F00037, Pre-Trial Judge, *Decision on Request for Arrest Warrants and Related Matters*, 29 November 2024, confidential, with Annexes 1-8, strictly confidential and *ex parte*; see Annex 4, containing the arrest warrant against Mr Thaçi. A public redacted version of the main filing was issued on 19 December 2024, [F00037/RED](#).

³ 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](#).

⁴ KSC-BC-2023-12, Transcript of Hearing, *Initial Appearance of Hashim Thaçi*, 8 December 2024, public, p. 18, lines 10-20.

⁵ KSC-BC-2023-12, F00165, Pre-Trial Judge, [Decision on Review of Detention of Hashim Thaçi](#), 7 February 2025, public.

4. On 12 and 19 March 2025, the Pre-Trial Judge authorized Mr Thaçi's conditional release based on compelling humanitarian grounds, within the meaning of Rule 56(3) of the Rules.⁶
5. On 7 April 2025, the Pre-Trial Judge ordered Mr Thaçi's continued detention ("Second Review Decision").⁷
6. On 14 April 2025, following a decision of the Court of Appeals Panel,⁸ the Pre-Trial Judge further confirmed vis-à-vis Mr Thaçi the mode of liability under Article 32(3) of the of the 2019 Kosovo Criminal Code, Law No. 06/L-074, with respect to obstructing official persons under Counts 1, 2 and 3 of the confirmed indictment of 2 December 2024 ("Amendment Decision").⁹
7. On 14 May 2025, the Specialist Prosecutor's Office ("SPO") made submissions on the periodic review of Mr Thaçi's detention ("SPO Submissions").¹⁰
8. The Defence for Mr Thaçi ("Thaçi Defence") did not respond to the SPO Submissions.

⁶ KSC-BC-2023-12, F00213, Pre-Trial Judge, *Decision on Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds*, 12 March 2025, confidential and *ex parte*. A public redacted version was issued on 14 April 2025, [F000213/RED](#); KSC-BC-2023-12, F00230, Pre-Trial Judge, *Decision on Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds*, 19 March 2025, confidential and *ex parte*; F00230/COR, Pre-Trial Judge, *Corrected Version of Decision on Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds*, 19 March 2025, confidential and *ex parte*, paras 22, 24-34. A public redacted version was issued 14 April 2025, [F000230/COR/RED](#).

⁷ KSC-BC-2023-12, F00250, Pre-Trial Judge, [Second Decision on Review of Detention of Hashim Thaçi](#), 7 April 2025, public.

⁸ See KSC-BC-2023-12, IA002/F00012, Court of Appeals Panel, *Decision on the Specialist Prosecutor's Office's Appeal Against the Decision on the Confirmation of the Indictment*, 3 April 2025, confidential. A public redacted version was filed on the same day, [IA002/F00012/RED](#).

⁹ KSC-BC-2023-12, 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.

¹⁰ KSC-BC-2023-12, F00300, Specialist Prosecutor, *Prosecution Submissions on Review of Detention of Hashim Thaçi*, 14 May 2025, public.

II. SUBMISSIONS

9. The SPO requests the Pre-Trial Judge to order Mr Thaçi's continued detention, since there have been no material changes capable of disturbing the findings of the Pre-Trial Judge in the Second Review Decision.¹¹

10. More specifically, the SPO avers that Mr Thaçi's continued detention remains necessary since all three risks under Article 41(6)(b) of the Law continue to be clear and present¹² and no condition of release can sufficiently mitigate those risks.¹³ According to the SPO, said risks can only be effectively managed in the SC Detention Facilities.¹⁴

11. The SPO further avers that Mr Thaçi's continued detention remains reasonable and proportionate as: (i) Mr Thaçi is charged with eleven (11) counts of Article 15(2) offences and, if convicted, faces a potentially lengthy sentence; and (ii) the proceedings continue to move forward expeditiously.¹⁵ In particular, the SPO submits that, since the Second Review Decision: (i) the SPO has filed its second notice pursuant to Rule 102(3) of the Rules, and has continued to disclose material; (ii) remaining investigative steps are progressing efficiently; and (iii) preliminary motions have been filed by Specialist Counsel.¹⁶ The SPO also adds that Mr Thaçi continues to gain increased insight into the evidence against him through the ongoing disclosure process.¹⁷

¹¹ SPO Submissions, paras 2-4.

¹² SPO Submissions, para. 5.

¹³ SPO Submissions, para. 5.

¹⁴ SPO Submissions, para. 5.

¹⁵ SPO Submissions, paras 6-7.

¹⁶ SPO Response, para. 6.

¹⁷ SPO Response, para. 6.

III. APPLICABLE LAW

12. 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 at 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 that the person has threatened to commit.

13. 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 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.

14. 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-teleconference, 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.

15. 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

16. The standard governing detention on remand has been laid out extensively in earlier decisions and is hereby incorporated by reference.¹⁸ The Pre-Trial Judge will apply this standard to the present decision.

B. GROUNDED SUSPICION

17. 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 Thaçi is criminally responsible for offences within the jurisdiction of the SC, namely violating the secrecy of proceedings, contempt of court and obstructing official persons in performing official duties within the meaning of Articles 392, 393, and 401 of the 2019 Kosovo Criminal Code, Code No. 06/L-074, in violation of Article 15(2) of the Law.¹⁹ These findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a) of the Law.²⁰ The Pre-Trial Judge notes that there have been no developments in the case negating these findings.

18. 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 Thaçi has committed offences within the jurisdiction of the SC for the purposes of Article 41(6)(a) of the Law.²¹

¹⁸ See [Second Review Decision](#), paras 14-15 (general requirements), 16 (grounded suspicion), 19-22 (necessity of detention), 36 (conditional release), 40 (proportionality), and references cited therein; [First Review Decision](#), paras 12-13 (general requirements), para. 14 (grounded suspicion), 17-20 (necessity of detention), 37 (conditional release), 41 (proportionality), and references cited therein.

¹⁹ [Confirmation Decision](#), para. 313(a). See also *supra* para. 6.

²⁰ See [Confirmation Decision](#), paras 42-43; [Decision on Arrest](#), para. 43. See similarly, KSC-BC-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; and F00224/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Review of Detention of Pjetër Shala](#), 22 June 2022, public, para. 24.

²¹ See [Second Review Decision](#), paras 17-18. See also [First Review Decision](#), para. 7; Decision on Detention, p. 15, lines 1-7.

C. NECESSITY OF DETENTION

1. Risk of Flight

19. As regards the risk of flight under Article 41(6)(b)(i) of the Law, the Pre-Trial Judge finds that all the considerations set out in the Second Review Decision are still relevant, namely: (i) the gravity of the offences with which Mr Thaçi is charged in the present proceedings and the potential sentence in the event of conviction;²² (ii) Mr Thaçi's *mala fide* intentions towards the laws and rules of the SC; and (iii) his means and opportunity to flee, despite his ongoing detention in the Case 06 proceedings.²³ In addition, the Pre-Trial Judge attaches weight to the fact that Mr Thaçi continues to gain increased insight into the evidence underpinning the charges against him through the ongoing disclosure process.²⁴

20. Therefore, in light of the above, and in the absence of any contrary intervening information, the Pre-Trial Judge concludes that the risk of flight in relation to Mr Thaçi continues to exist.

2. Risk of Obstructing the Progress of SC Proceedings

21. As regards the risk of obstruction of the progress of proceedings under Article 41(6)(b)(ii) of the Law, the Pre-Trial Judge find that all the considerations set out in the Second Review Decision continue to apply,²⁵ namely that: (i) Mr Thaçi coordinated with three distinct groups, of which he was the leader, to interfere with the testimony of SPO witnesses in the ongoing Case 06 trial, including by deliberately revealing and providing confidential information related to witnesses,

²² The Pre-Trial Judge considered the newly confirmed additional mode of liability against Mr Thaçi, since the Second Review Decision, as part of her current assessment of the Article 41(6)(b) risks (see *supra* para. 6).

²³ [Second Review Decision](#), para. 23. See also Decision on Detention, p. 18, lines 16-24; [Decision on Arrest](#), paras 47-48.

²⁴ The Pre-Trial Judge notes that, since the Second Review Decision, the SPO has made several additional disclosures pursuant to Rule 102(1)(b) of the Rules. See, for example, Disclosure Package Nos 24, 27-28, 30, 34, 37-38, and 43

²⁵ Regarding the additional mode of liability confirmed against Mr Thaçi, see *supra* footnote 22.

and instructing others *to*, and *how to*, unlawfully influence the witnesses' testimonies; (ii) Mr Thaçi's actions and conduct are part of a broader pattern of efforts to interfere with the testimony of SPO witnesses in Case 06; (iii) Mr Thaçi's actions show persistence in furthering obstruction efforts in SC proceedings from within the SC Detention Facilities, including by leveraging his influence over former KLA affiliates loyal to him, and persons from his political circles, such as his co-Accused in the present proceedings; (iv) previous findings suggest that, in the past, Mr Thaçi attempted to undermine the SC, and, through his circles, offered benefits to persons who were summoned by the SPO to provide information to the SPO/SC; (v) Mr Thaçi is aware of the charges and evidence against him; and (vi) his increased awareness of the incriminating evidence against him provides him with an incentive to interfere with witnesses or obstruct the progress of the present proceedings.²⁶ The Pre-Trial Judge also recalls that the ongoing disclosure process further elevates the risk of obstruction, as it provides Mr Thaçi with access to sensitive witness-related information.²⁷

22. Further to the above, while the Pre-Trial Judge has taken note that the SPO has closed its case in chief in the *Thaçi et al.* trial,²⁸ she considers that the risk of obstruction does not cease to exist as result, as: (i) the proceedings in Case 06 remain ongoing and the Trial Panel may hear further evidence from the participating victims, defence witnesses and rebuttal witnesses, including by witnesses who may have already testified;²⁹ and (ii) a Trial Panel may, under exceptional circumstances,

²⁶ [Second Review Decision](#), para. 28; [First Review Decision](#), paras 29-30; Decision on Detention, p. 12, line 15; [Decision on Arrest](#), para. 50.

²⁷ [Second Review Decision](#), para. 29 and references cited therein.

²⁸ KSC-BC-2020-06, F03121, Specialist Prosecutor, [Prosecution Notice Pursuant to Rule 129](#), 15 April 2025, public.

²⁹ See, for example, KSC-BC-2020-04, F00663/RED, Trial Panel I, *Public Redacted Version of Decision on the Thirteenth Review of Detention of Pjetër Shala*, 20 September 2023, public, para. 18; KSC-BC-2020-05, F00355/RED, Trial Panel I, *Public Redacted Version of Ninth Decision on Review of Detention*, 21 March 2022, public, para. 19.

hear additional evidence after the closing of the case under Rule 136 of the Rules.³⁰ Moreover, the risk of obstruction is assessed not only in relation to the proceedings in Case 06, but also the present case. In this respect, the Pre-Trial Judge observes that, while some evidence has been seized and is in the possession of the SPO, the Accused has sufficient knowledge of the identity of potential witnesses, as discussed in the Confirmation Decision.³¹ Most importantly, the Pre-Trial Judge underlines that 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 trial in Case 06 and future trial proceedings in the present case.

23. Lastly, the Pre-Trial Judge assesses the above considerations and factors bearing in mind the pervasive climate of fear and intimidation in Kosovo against witnesses and potential witnesses of the SC.³² In this context, the Pre-Trial Judge considers that the risk of Mr Thaçi exerting pressure on witnesses remains particularly high,³³ especially in light of his ties, as referenced above.³⁴

24. Therefore, in light of the above, and in the absence of any contrary intervening information, the Pre-Trial Judge concludes that there continues to exist a risk that Mr Thaçi will obstruct the progress of SC proceedings.

³⁰ See similarly the approach taken in, for example, KSC-BC-2020-04, F00838/RED, Trial Panel I, *Public Redacted Version of Decision on the Seventeenth Review of Detention of Pjetër Shala*, 17 May 2024, public, para. 24; F00812/RED, Trial Panel I, *Public Redacted Version of Decision on the Sixteenth Review of Detention of Pjetër Shala*, 18 March 2024, public, para. 26. See similarly, ICC, *The Prosecutor v. Bemba et al.*, ICC-01/05-01/13-612, Pre-Trial Chamber II, [Decision on the First Review of Jean-Jacques Mangenda Kabongo's Detention Pursuant to Article 60\(3\) of the Statute](#), 5 August 2014, public, paras 17-18; ICC-01/05-01/13-538, Single Judge, [Decision on the First Review of Fidèle Babala Wandu's Detention Pursuant to Article 60\(3\) of the Statute](#), 4 July 2014, public, paras 12-13.

³¹ The Pre-Trial Judge recalls that the assessment of the risks involves acceptance of the possibility, not the inevitability of a future occurrence. See [Second Review Decision](#), para. 20 and references cited therein.

³² [Second Review Decision](#), para. 30; [First Review Decision](#), para. 31; *Decision on Detention*, p. 18, lines 16-20; [Decision on Arrest](#), para. 51.

³³ See *Second Review Decision*, para. 30 and references cited therein; [First Review Decision](#), para. 31.

³⁴ See *supra* para. 21.

3. Risk of Committing Further Offences

25. 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.³⁵ In this regard, the Pre-Trial Judge notes that the relevant factors to be considered are the same as those outlined in paragraphs 21-22 above with respect to obstruction of proceedings. For these reasons, the Pre-Trial Judge finds that there exists a risk that Mr Thaçi will repeat the offences he is alleged to have committed, including in relation to witnesses who have provided or may provide evidence in Case 06 and/or the present case.³⁶

26. Therefore, in light of the above, and in the absence of any contrary intervening information, the Pre-Trial Judge concludes that the risk that Mr Thaçi will commit further offences continues to exist.

4. Conclusion

27. In view of the foregoing, the Pre-Trial Judge finds that there are articulable grounds to believe that Mr Thaçi may flee, obstruct the progress of the SC proceedings, and commit further offences, thus necessitating Mr Thaçi'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 Thaçi's release.

D. CONDITIONAL RELEASE

28. The Pre-Trial Judge remains of the view that no conditions could diminish, at this stage, the existing risks, in particular the risk that the Accused will obstruct the

³⁵ [First Review Decision](#), para. 33; Decision on Detention, p. 15, lines 3-7; [Decision on Arrest](#), para. 53.

³⁶ See also [First Review Decision](#), para. 34; Decision on Detention, p. 18, lines 16-20; [Decision on Arrest](#), para. 54.

progress of SC proceedings or commit further offences.³⁷ Notably, the Pre-Trial Judge is of the view that any possible condition to be imposed: (i) does not address, for example, the possibility of Mr Thaçi using other persons, or employing communication devices belonging to other persons, or requesting other persons to use their devices for the purpose of unlawfully interfering with witnesses; and (ii) cannot ensure the effective monitoring of Mr Thaçi's communications. The Pre-Trial Judge is also particularly mindful that, despite any conditions (if released), the Accused would have the ability, motive and opportunity to persist in furthering the obstruction of SC proceedings.³⁸

29. Furthermore, 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 crimes, as much as possible.³⁹ 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.⁴⁰

30. Therefore, in light of the above, the Pre-Trial Judge concludes that any reasonable conditions that may be imposed by the Pre-Trial Judge remain insufficient to adequately mitigate the risks under Article 41(6)(b)(i)-(iii) of the Law.

³⁷ [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38; 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.

³⁸ [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38.

³⁹ [Second Review Decision](#), para. 38; [First Review Decision](#), para. 39. 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.

⁴⁰ [Second Review Decision](#), para. 38; [First Review Decision](#), para. 39. 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.

E. PROPORTIONALITY OF DETENTION

31. The Pre-Trial Judge recalls that: (i) Mr Thaçi has been detained since 5 December 2024 in the context of these proceedings;⁴¹ (ii) he is charged with three (3) counts of attempting to obstruct official persons in performing official duties, four (4) counts of violating the secrecy of proceedings and four (4) counts of contempt of court, which carry a possible sentence of up to five (5) years, three (3) years and six (6) months, respectively;⁴² 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.⁴³

32. The Pre-Trial Judge also takes into consideration that, since the Second Review Decision: (i) the SPO has (largely) completed the disclosure of evidence in its possession pursuant to Rule 102(1)(b) of the Rules⁴⁴ and made further disclosures pursuant to Rule 103 of the Rules;⁴⁵ (ii) the SPO has filed its second notice pursuant to Rule 102(3) of the Rules⁴⁶ and disclosed a number of items, as requested by the Defence;⁴⁷ (iii) remaining investigative steps are progressing steadily;⁴⁸ (iv) the SPO

⁴¹ See *supra* para. 1.

⁴² KSC-BC-2023-12, F00264/A02, Specialist Prosecutor, [Public Redacted Amended Confirmed Indictment](#) ("Amended Confirmed Indictment"), 16 April 2025, public, para. 45.

⁴³ See *supra* para. 30.

⁴⁴ See Disclosure Package Nos 24, 27-28, 30, 34, 37-38 and 43. 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.

⁴⁵ See Disclosure Package Nos 26, 29, 33, 41 and 45.

⁴⁶ See KSC-BC-2023-12, F00265, Specialist Prosecutor, *Prosecution's Second Rule 102(3) Notice*, 17 April 2025, public, with Annex 1, confidential.

⁴⁷ See Disclosure Package Nos 25, 31-32, 35-36, 39, 40, 44

⁴⁸ See KSC-BC-2023-12, F00254, Pre-Trial Judge, *Decision on Prosecution Request for Production of Material*, 10 April 2025, confidential; F00266, Pre-Trial Judge, *Decision on Prosecution Request for Production and Related Request*, 22 April 2025, confidential, with Annex 1, strictly confidential and *ex parte*; F00284, Pre-Trial Judge, *Decision Appointing Independent Counsel*, 7 May 2025, confidential; F00291, Registrar, *Fifth Registry Submissions Related to the Execution of Request for Assistance F00039*, 8 May 2025, confidential; F00296, Registrar, *Sixth Registry Submissions Related to the Execution of Request for Assistance F00039*, confidential, with Annex 1, confidential; F00299, Registrar, *Notification of Assignment of Independent Counsel*, 13 May 2025, confidential, with Annex 1, confidential; F00304,

has submitted the amended confirmed indictment⁴⁹ following confirmation of the amended charges against Mr Thaçi;⁵⁰ and (v) the Defence teams have submitted preliminary motions.⁵¹ Thus, the proceedings continue to move forward expeditiously, bringing the case one step closer to its transmission to the Trial Panel.

33. The Pre-Trial Judge has duly considered the additional time Mr Thaçi has spent in detention since the Second Review Decision, but finds that – when weighed against the remaining factors set out in paragraphs 31-32 above – his detention remain proportionate.

34. Moreover, pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, Mr Thaçi'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 circumstance since the last review has occurred.

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

Registrar, Registry Notification of Start of Stage 1 Execution Pursuant to Order F00221, 14 May 2025, confidential.

⁴⁹ See [Amended Confirmed Indictment](#).

⁵⁰ See KSC-BC-2023-12, 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.

⁵¹ See KSC-BC-2023-12, F00285, Thaçi Defence, *Thaçi Defence Preliminary Motion Requesting Severance of the Indictment and Adjournment of Proceedings Concerning Mr Thaçi*, 7 May 2025, public, with Annex 1, public; F00286, Specialist Counsel for Bashkim Smakaj, Isni Kilaj, Fadil Fazliu ("Fazliu Defence") and Hajredin Kuçi, *Joint Defence Preliminary Motion Pursuant to Rule 97 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers*, 7 May 2025, public; F00288, Thaçi Defence, *Thaçi Defence Motion on Defects in the Indictment*, 8 May 2025, public; F00289, Fazliu Defence, *Fazliu Defence Challenge to the Form of the Indictment*, 8 May 2025, public; F00290, Thaçi Defence, *Thaçi Defence Preliminary Motion on Jurisdiction*, confidential and *ex parte*, with Annex 1, confidential and *ex parte* (a public redacted version of the main filing and the Annex were filed on 12 May 2025, F00290/RED and F00290/A01/RED, respectively). See also KSC-BC-2023-12, F00306, Pre-Trial Judge, *Decision on "Prosecution Request for Extension of Time on Preliminary Motions Responses"*, 15 May 2025, public.

V. DISPOSITION

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

- a. **ORDERS** Mr Thaçi's continued detention;
- b. **ORDERS** Mr Thaçi, if he so wishes, to file submissions on the next review of detention by **Friday, 27 June 2025**, with response and reply following the timeline set out in Rule 76 of the Rules; and
- c. **ORDERS** the SPO, should Mr Thaçi decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Thaçi's detention by **Monday, 7 July 2025**, and Mr Thaçi, if he so wishes, to file his response by **Monday, 14 July 2025**.



Judge Marjorie Masselot
Pre-Trial Judge

Dated this Thursday, 5 June 2025

At The Hague, the Netherlands.