



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06

**The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli,
Rexhep Selimi, and Jakup Krasniqi**

Before: Trial Panel II

Judge Charles L. Smith III, Presiding Judge

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 13 May 2025

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**Public Redacted Version of Corrected Version of Decision on Veseli Defence
Request for Provisional Release**

Specialist Prosecutor

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TRIAL PANEL II ("Panel"), pursuant to Articles 41(2), (6), (10), and (12) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 56 and 57(2) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 3 April 2025, the Defence for Kadri Veseli ("Mr Veseli"; "Accused") ("Veseli Defence") filed a request for provisional release ("Request").¹
2. On 11 April 2025, the Panel issued a decision on periodic review of detention of Mr Veseli and ordered his continued detention ("Last Detention Review Decision").²
3. On 14 April 2025, the Specialist Prosecutor's Office ("SPO") filed its response to the Request ("Response").³
4. On 15 April 2025, the SPO filed a notice announcing the closing of its case.⁴
5. On 22 April 2025, the Veseli Defence filed its reply to the Response ("Reply").⁵
6. On 23 April 2025, the Panel held a status conference during which it ordered the Defence to file its joint Rule 130 motion by 2 June 2025, or within 14 days of the Panel's last ruling on the admission of evidence, whichever occurs later⁶ and

¹ F03076, Specialist Counsel, *Veseli Defence Request for Provisional Release*, 3 April 2025, confidential, with Annex A (the Panel notes that the Veseli Defence refers in its submissions in the Request, and in the title to the annex thereof, to "Annex A". Noting that the record number applied by CMU appears to be F03076/A01/CONF, entailing "Annex 1", the Panel herein after refers to "Annex 1 to the Request"), confidential (a public redacted version was filed on 23 April 2025, F03076/RED).

² F03107, Panel, *Decision on Periodic Review of Detention of Kadri Veseli*, 11 April 2025, public.

³ F03112, Specialist Prosecutor, *Consolidated Prosecution Response to Veseli, Selimi, and Krasniqi Provisional Release Requests (F03076, F03078, and F03086)*, 14 April 2025, confidential, with Annex 1 (a public redacted version was filed on 22 April 2025, F03112/RED).

⁴ F03121, Specialist Prosecutor, *Prosecution Notice Pursuant to Rule 129*, 15 April 2025.

⁵ F03140, Specialist Counsel, *Veseli Defence Reply to 'Consolidated Prosecution Response to Veseli, Selimi, and Krasniqi Provisional Release Requests (F03076, F03078, and F03086)' (F03112)*, 22 April 2025, confidential (a public redacted version was filed on 23 April 2025, F03140/RED).

⁶ Transcript of Hearing, 23 April 2025, p. 26176, lines 7-11.

ordered the SPO to file its consolidated response by 1 July 2025, or within 30 days of the Defence Rule 130 motion, whichever occurs later.⁷

7. The Panel also ordered the Victims' Counsel to present, by 28 May 2025,⁸ or on a rolling basis, but no later than 1 July 2025,⁹ *inter alia*: (i) a list of proposed witnesses to be called should the Panel find the Rule 130 motion unsuccessful; (ii) statements and/or reports of these witnesses; (iii) summaries of the witnesses' proposed evidence; and (iv) a list of evidentiary items to be tendered.¹⁰ The Panel also ordered the Parties to notify the Panel by 9 June 2025, whether they object to the proposed admission of the Victims' Counsel's evidence and inform the Panel which witnesses the Parties intend to cross-examine.¹¹ The Panel also indicated it expected the Victims' case to start in July 2025.¹²

II. SUBMISSIONS

8. The Veseli Defence requests the Panel to order Mr Veseli's interim release until such time as his presence is further required in The Hague.¹³ The Veseli Defence submits that, in light of the closure of the SPO's case, a change of circumstances has occurred since the Panel last reviewed Mr Veseli's detention which warrants his release.¹⁴ In particular, the Veseli Defence submits that, as the SPO's last in court witness completed their evidence on 27 March 2025, there has been a material change of circumstances which justifies the granting of interim release.¹⁵ In this regard, the Veseli Defence also argues that the fact that Victims' Counsel may or may not call a limited number of victim witnesses is not a

⁷ Transcript of Hearing, 23 April 2025, p. 26176, lines 11-13.

⁸ Transcript of Hearing, 23 April 2025, p. 26177, lines 1-2.

⁹ Transcript of Hearing, 23 April 2025, p. 26184, lines 17-19.

¹⁰ Transcript of Hearing, 23 April 2025, p. 26177, lines 2-13.

¹¹ Transcript of Hearing, 23 April 2025, p. 26177, lines 14-20.

¹² Transcript of Hearing, 23 April 2025, p. 26175, lines 24-25.

¹³ Request, paras 1-2, 59.

¹⁴ Request, paras 2, 25, 27, 29-33, 35.

¹⁵ Request, paras 2, 5, 29-31.

sufficient basis upon which Mr Veseli's detention may be justified.¹⁶ The Veseli Defence also submits that, as the risk of obstruction, in its view, no longer persists, and in light of Mr Veseli's good conduct while detained, there is no risk that he would commit further crimes.¹⁷ Furthermore, the Veseli Defence underscores that the Panel has consistently found that Mr Veseli is not a flight risk.¹⁸ Moreover, the Veseli Defence submits that any residual risk could be effectively managed through interim release with any conditions that the Panel deems necessary, including house arrest, and in support, provides assurances provided to it by the Kosovo Police regarding the latter's ability to enforce any condition which may be imposed by the Panel.¹⁹ Additionally, the Veseli Defence argues that, as several further phases of the case have yet to be completed before the judgement will be rendered, Mr Veseli's continued detention would be disproportionate.²⁰

9. The SPO responds that Mr Veseli's provisional release should be rejected given that the criteria under Article 41(6) continue to be met, and no alternative measures sufficiently address these risks.²¹

10. The Veseli Defence replies that the SPO: (i) relies on a series of old allegations to justify Mr Veseli's continued detention which are mere, unsubstantiated, possibilities;²² (ii) refuses to acknowledge that the closure of its case is a material change in circumstances that affects the risk assessment;²³ and (iii) raises ungrounded concerns regarding the Kosovo Police and their capacity to manage provisional release.²⁴ Additionally, the Veseli Defence rejects the SPO's submissions regarding Mr Veseli's risk of flight and submits that there is no

¹⁶ Request, paras 32-33.

¹⁷ Request, paras 34-39.

¹⁸ Request, paras 27, 40

¹⁹ Request, paras 41-56, with references to Annex 1 to the Request.

²⁰ Request, paras 57-58.

²¹ Response, paras 1, 52.

²² Reply, paras 3, 4.

²³ Reply, paras 3, 5-9.

²⁴ Reply, paras 3, 10-19.

reason for the Panel to revisit its previous findings in that regard.²⁵ The Veseli Defence therefore submits that the Request should be granted.²⁶

III. APPLICABLE LAW

11. The law applicable to deciding the present matter is set out in Article 41(6), (10), and (12) of the Law and Rules 56 and 57 of the Rules, and has been laid out extensively in earlier decisions.²⁷

12. Particularly, Article 41(6) of the Law provide that the accused shall be detained only when the requirements under subsections (a)-(b)(i)-(iii) are met. In determining whether detention is necessary, pursuant to Article 41 (12) of the Law, and Rule 56(5) of the Rules, the Panel may consider alternative measures to be imposed on the accused's release.

13. If detention is necessary, Article 41(10) of the Law and Rule 57(2) of the Rules provide that the accused's detention must be reviewed every two (2) months from the last ruling thereof, and/or at any time upon request by any of the Parties, or *proprio motu*. The scope of the review is to assess whether, since the Panel's last review, the grounds justifying detention still exist or there has been a change in circumstances warranting the accused's release. Any such determination must consider alternative measures to the accused's detention, and whether his ongoing detention is proportional.

²⁵ Reply, paras 3, 20-21.

²⁶ Reply, paras 3, 20.

²⁷ See e.g. F00178, Pre-Trial Judge, *Decision on Decision on Kadri Veseli's Application for Interim Release* ("Veseli First Interim Release Decision"), 22 January 2021, public, paras 12-15.

IV. DISCUSSION

A. APPLICABLE LEGAL STANDARD

1. Grounded Suspicion

14. As regards the threshold for continued detention, Article 41(6)(a) of the Law requires a grounded suspicion that the detained person has committed a crime within the jurisdiction of the Specialist Chambers (“SC”). This is a condition *sine qua non* for the validity of the detained person’s continued detention.²⁸

15. The Parties made no submissions in relation to Article 41(6)(a) of the Law.

16. The Panel notes that, pursuant to Article 39(2) of the Law, it has been determined that there is a well-grounded suspicion that Mr Veseli is criminally responsible for a number of crimes against humanity (persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance) and war crimes (arbitrary detention, cruel treatment, torture and murder) under Articles 13, 14(1)(c) and 16(1)(a) of the Law.²⁹ It has also been established that there is a well-grounded suspicion with regard to the new charges brought by the SPO against Mr Veseli with the requested amendments to the indictment.³⁰ 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.³¹

17. The Panel has repeatedly confirmed these findings since they were made.³² Accordingly, and in the absence of any new material circumstances, the Panel finds that there continues to be a grounded suspicion that Mr Veseli has

²⁸ See Last Detention Review Decision, para. 7.

²⁹ See Last Detention Review Decision, paras 9-10, with references.

³⁰ See Last Detention Review Decision, paras 9-10, with references.

³¹ See *amongst other decisions*, Last Detention Review Decision, para. 12. See also, IA008/F00004, Court of Appeals Panel, *Decision on Kadri Veseli’s Appeal Against Decision on Review of Detention* (“Second Appeals Decision on Veseli Interim Release”), 1 October 2021, confidential, para. 21 (a public redacted version was filed on the same day, IA008/F00004/RED).

³² See *amongst many*, Last Detention Review Decision, para. 10.

committed crimes within the subject-matter jurisdiction of the SC for the purposes of Article 41(6)(a) and (10) of the Law.

2. Necessity of Detention

18. With respect to the grounds for continued detention, Article 41(6)(b) of the Law sets out three alternative bases (risks) on which detention may be found to be necessary: (i) risk of flight; (ii) risk of obstruction of the proceedings; or (iii) risk of further commission of crimes.³³ These grounds must be “articulable” in the sense that they must be specified in detail by reference to the relevant information or evidence.³⁴ In determining whether any of the grounds under Article 41(6)(b) of the Law allowing for a person’s detention exist, the standard to be applied is less than certainty, but more than a mere possibility of a risk materialising.³⁵

19. Regarding the grounds for Mr Veseli’s detention under Article 41(6)(b) of the Law, the Panel recalls that in the Last Detention Review Decision it found that, while Mr Veseli does not pose a flight risk, there is a risk that he may obstruct the SC proceedings and commit further offences.³⁶

20. The Veseli Defence argues that the circumstances since the Last Detention Decision have changed, given that there are no further witnesses scheduled to

³³ Cf. ECtHR, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, [Judgment](#), 5 July 2016 (“*Buzadji v. the Republic of Moldova* [GC]”), para. 88; ECtHR, *Zohlandt v. the Netherlands*, no. 69491/16, 9 February 2021, [Judgment](#), para. 50; ECtHR, *Grubnyk v. Ukraine*, no. 58444/15, 17 September 2020, [Judgment](#), para. 115; ECtHR, *Korban v. Ukraine*, no. 26744/16, 4 July 2019, [Judgment](#), para. 155.

³⁴ Article 19.1.31 of the Kosovo Criminal Procedure Code 2022, Law No. 08/L-032 defines “articulable” as: “the party offering the information or evidence must specify in detail the information or evidence being relied upon”. See also, IA001/F00005, Court of Appeals Panel, *Decision on Kadri Veseli’s Appeal Against Decision on Interim Release* (“First Appeals Decision on Veseli Interim Release”), 30 April 2021, public, para. 18.

³⁵ See similarly, First Appeals Decision on Veseli Interim Release, para. 17; IA004/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi’s Appeal Against Decision on Interim Release*, 30 April 2021, confidential, para. 19 (a public redacted version was issued on the same date, IA004/F00005/RED); IA003/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi’s Appeal Against Decision on Interim Release*, 30 April 2021, confidential, para. 40 (a public redacted version was issued on the same day, IA003/F00005/RED).

³⁶ Last Detention Review Decision, paras 17, 24, 28, 29.

testify as part of the SPO's case.³⁷ As a result, the Veseli Defence avers that the risks identified by the Panel as they relate to the remaining witnesses have expired, or at the very least, have significantly abated.³⁸ The SPO avers that the closure of its case does not change the circumstances in which the Panel has previously identified a risk of obstructing proceedings and committing further crimes. Rather, in the SPO's view, this risk is heightened.³⁹ The SPO further contends that the forthcoming Rule 130 litigation constitutes changed circumstances warranting reconsideration of the Panel's finding that Mr Veseli is not a flight risk.

21. The Panel recalls that a change in circumstances can be determinative, and therefore shall be taken into consideration.⁴⁰ The Panel will therefore assess whether the new circumstances described by the Parties warrant a reconsideration of its previous findings regarding the three alternative bases on which it found Mr Veseli's detention to be necessary.

(a) Risk of Flight

22. The Veseli Defence recalls the Panel's previous findings that Mr Veseli's detention is not justified on the ground of risk of flight.⁴¹

23. The SPO responds that the imminent Rule 130 litigation marks a new juncture in this trial, warranting reconsideration of the Panel's previous findings on the Accused's risk of flight.⁴² According to the SPO, the Accused's potential loss of any such Rule 130 litigation, combined with the prospect of a lengthy prison sentence stemming from the gravity of the offences, may increase his incentive to

³⁷ See above, paras 8, 10.

³⁸ See above, paras 8, 10.

³⁹ Response, para. 29.

⁴⁰ IA007/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Review of Detention*, 1 October 2021, confidential, para. 14 (a public redacted version was issued on the same day, IA007/F00005/RED).

⁴¹ See above, para. 8.

⁴² Response, para. 10.

flee.⁴³ Moreover, the SPO submits that the fact that the Accused is now closer to receiving the judgement on the charges against him, in itself increases the risk of absconding.⁴⁴ In this regard, the SPO recalls the Pre-Trial Judge's findings regarding Mr Veseli's means and opportunity to abscond.⁴⁵ The SPO argues that the Accused's assurances that he would not flee, and/or his compliance records with previous occasional emergency provisional release do not mean he is not a flight risk for longer-term provisional release without a custodial escort.⁴⁶

24. The Veseli Defence replies that: (i) the SPO's argument regarding the Accused's increased risk of flight due to a potential negative ruling in relation to any Rule 130 motion is premature, as no such litigation has been advanced and/or ruled upon; and (ii) even in the event of a negative ruling on Rule 130 litigation, it would not be reasonable to find that Mr Veseli poses a heightened risk of flight, as nothing in Mr Veseli's circumstances or conduct gives rise to a heightened, concrete risk of flight, and the SPO does not point to any evidence in support of this contention.⁴⁷ According to the Veseli Defence, there is no reason for the Panel to depart from its previous finding that Mr Veseli does not pose a flight risk.⁴⁸

25. The Panel notes the SPO's argument that other tribunals appear to have previously regarded procedural developments akin to Rule 130 litigation as significant enough to warrant renewed considerations on an accused's risk of flight.⁴⁹ The Panel notes, however, that no Rule 130 ruling has been made.⁵⁰ The Panel also recalls that in the Last Detention Review Decision, in assessing whether

⁴³ Response, paras 9-10.

⁴⁴ Response, para. 10.

⁴⁵ Response, para. 12, *referring to F00987, Pre-Trial Judge, Decision on Periodic Review of Detention of Kadri Veseli*, 26 September 2022, para. 22.

⁴⁶ Response, para. 11.

⁴⁷ Reply, paras 20-21.

⁴⁸ Reply, para. 20.

⁴⁹ See e.g., ICTY, *The Prosecutor v. Prlić et al*, Case No. IT-04-74-AR65.5, Appeals Chamber, [*Decision on Prosecution's Consolidated Appeal Against Decisions to Provisionally Release the Accused Prlić, Stojić, Praljak, Petković and Ćorić*](#), 11 March 2008, para. 20.

⁵⁰ See above, para. 6.

Mr Veseli poses a risk of flight, the Panel considered and rejected the SPO's argument that the streamlining of the SPO's case means that the possible imposition of a sentence against Mr Veseli becomes more concrete.⁵¹ Similarly, the Panel considers that the closing of the SPO's case does not mean that the possible imposition of a sentence against Mr Veseli becomes more concrete as many procedural steps remain, including the Rule 130 procedure. Furthermore, Mr Veseli continues to enjoy the presumption of innocence. The fact that the Panel will decide whether he has a case to answer does not affect this guarantee. Moreover, the Panel recalls its previous finding that there was no indication that Mr Veseli considered or prepared to flee.⁵² In these circumstances, the Panel considers that the SPO relies on legal arguments which are currently abstract and do not demonstrate a sufficiently real possibility that Mr Veseli would abscond.

26. In light of the foregoing, the Panel finds that no new factors have been presented that would warrant departure from the Panel's previous finding that Mr Veseli does not pose a risk of flight.⁵³ Therefore, the Panel continues to find that Mr Veseli's continued detention is not justified at this time on the grounds that he poses a risk of flight pursuant to Article 41(6)(b)(i) of the Law.

(b) Risk of Obstructing the Progress of SC Proceedings

27. The Veseli Defence submits that the Panel's previous findings that there is a risk that Mr Veseli would obstruct the proceedings was premised on the Panel's consideration that the Accused's release would pose a risk to SPO witnesses who were yet to testify.⁵⁴ According to the Veseli Defence, in light of the closure of the SPO's case, that consideration no longer applies, and, this material change warrants a reconsideration of the Panel's findings on Mr Veseli's risk of

⁵¹ Last Detention Review Decision, para. 16.

⁵² F01171, Panel, *Decision on Periodic Review of Detention of Kadri Veseli* ("First Panel's Decision on Veseli's Detention"), 19 December 2022, public, para. 14.

⁵³ Last Detention Review Decision, para. 17.

⁵⁴ *See above*, para. 8.

obstruction.⁵⁵ The Veseli Defence also argues that a potential Victims' Counsel's case is not sufficient to justify Mr Veseli's detention as: (i) it is not clear whether Victims' Counsel will call victim witnesses to provide evidence and there is no date for the beginning of the Victims' Counsel's case; and (ii) in any event, any concerns about witness interference do not arise in the same fashion as the testimonies of witnesses for Victims' Counsel have no bearing on the factual findings of guilt or innocence of the Accused.⁵⁶ Moreover, the Veseli Defence argues that, even though the Panel has previously modified Mr Veseli's detention conditions as he "appeared" to have disclosed confidential witness-related material during his unprivileged visits at the SC Detention Facilities: (i) such conduct has not been found by the Panel to be an offence; and (ii) there have been no subsequent reports of Mr Veseli having acted in any manner which would bring the integrity of the proceedings into question.⁵⁷ In these circumstances, the Veseli Defence submits that the risk that Mr Veseli may obstruct the proceedings no longer persists.⁵⁸

28. The SPO responds that the Veseli Defence: (i) isolates just one of the factors considered by the Panel in the Last Detention Review Decision when finding the existence of a risk of obstruction; and (ii) by doing so, ignores that the Panel's analysis was holistic and multi-factored.⁵⁹ It also argues that the Veseli Defence's positions regarding the closure of the SPO's case and the opening of the Victims' Counsel's case are incorrect as: (i) the Panel never advanced a finding that the end of the SPO's case would exclude the risk of obstruction;⁶⁰ and (ii) obstruction may

⁵⁵ See above, para. 8.

⁵⁶ Request, paras 32-33.

⁵⁷ Request, paras 36-39, referring to *inter alia* F01977, Panel, *Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi* ("Decision on Detention Conditions"), 1 December 2023, public.

⁵⁸ Request, para. 34.

⁵⁹ Response, paras 14, 18, 20-21.

⁶⁰ Response, para. 21.

occur at any stage of a trial.⁶¹ Furthermore, the SPO argues that given Mr Veseli's past conduct in detention, his interim release in Kosovo would increase his capacity to obstruct and endanger proceedings as it could: (i) encourage recantation of SPO witnesses who have already testified, the majority of whom reside in Kosovo; (ii) have a chilling effect on the cooperation of witnesses for the Victims' Counsel's case; and (iii) engender interference with potential SPO rebuttal witnesses.⁶² The SPO further stresses in this regard that the Panel's modification of Mr Veseli's detention conditions was premised on its consideration that standard conditions were insufficient to mitigate the risk that he may interfere with the proceedings.⁶³ In the SPO's view, these factors, together with the Panel's recent findings that Mr Veseli might have disclosed privileged information to unauthorised third parties, demonstrate that the risk of obstruction is not only well-founded, but also Mr Veseli presents an especially heightened risk of obstructing SC proceedings.⁶⁴

29. The Veseli Defence replies that the SPO's arguments are unsubstantiated and speculative since: (i) it has never been established that Mr Veseli was involved in witness interference and/or that he abused his position of influence in Kosovo in the manner suggested by the SPO; (ii) no specific witnesses are identified as at risk of recantation, and there is no evidence that Mr Veseli may engage in such conduct; and (iii) at this stage, it is not even known whether the circumstances necessitating potential rebuttal witnesses will arise.⁶⁵ Furthermore, the Veseli Defence repeats its submissions regarding the purported significance of the closure of the SPO's case.⁶⁶

⁶¹ Response, paras 22-24.

⁶² Response, para. 26.

⁶³ Response, para. 27, *referring to* Decision on Detention Conditions, paras 41, 51-53, 55-60, 62-78, 84(b).

⁶⁴ Response, paras 28-29.

⁶⁵ Reply, paras 5-8.

⁶⁶ Reply, para. 8.

30. The Panel recalls that, in the Last Detention Review Decision, it considered, *inter alia*, the following factors: (i) Mr Veseli's ability to give instructions to an individual interacting with the SC, and his direct intervention in a matter involving the SC; (ii) Mr Veseli's continuous role in Kosovo on the basis of the previous positions he occupied, which would continue to allow him to, for instance, access information or elicit the support of others; (iii) the fact that Mr Veseli was the head of the Kosovo Intelligence Service ("SHIK"), at the time when members of SHIK were involved in witness interference; and (iv) the advancement of the trial proceedings provides an opportunity for Mr Veseli to gain insight into the evidence underpinning the serious charges against him.⁶⁷ The Panel also considered that: (i) the SPO's case was not yet formally closed; and (ii) due to the nature of an ongoing trial, the names and personal details of certain highly sensitive witnesses had been disclosed to the Veseli Defence and in this context, release of an Accused with sensitive information in his possession would not be conducive to the effective protection of witnesses who were yet to testify.⁶⁸

31. The Panel notes the Veseli Defence's argument that the closure of the SPO's case provides a change in circumstances warranting reconsideration of previous findings regarding the existence of a risk of obstruction of the proceedings.

32. However, first, and as noted by the SPO, the Panel recalls when finding that there was a risk that Mr Veseli could interfere with those witnesses who were yet to testify before the closure of the SPO's case, the Panel weighed all the personal circumstances of the Accused at said stage of the proceedings.⁶⁹ Second, the Panel underscores that it never advanced a finding that the end of the SPO's case would exclude the risk of obstruction. While the Panel considered that the release of Mr Veseli with sensitive information in his possession when the SPO's case was

⁶⁷ Last Detention Review Decision, para. 20, with further references.

⁶⁸ Last Detention Review Decision, para. 19.

⁶⁹ Last Detention Review Decision, para. 20.

not yet formally closed would not be conducive to the effective protection of witnesses, it did not suggest or find that the risks associated with Mr Veseli's release would dissipate after the completion of the SPO's case. Furthermore, the Panel notes that witnesses are still to be heard in this case – witnesses for the Victims as well as, possible, witnesses for the Defence. The risk of interference exists in relation to those too. In addition, the risk of interference which detention seeks to prevent is not limited to attempts to enforce a certain version of the events. It also includes, for instance: (i) any attempt to retaliate against witnesses who have testified in these proceedings; (ii) attempts to incentivise a witness to recant; and (iii) attempts to interfere with witnesses in parallel proceedings. On that last point, the Panel notes that proceeding regarding allegations of interference in the present case are ongoing.

33. Moreover, the Panel finds no merit in the Veseli Defence's differentiation between SPO witnesses and any other witnesses who may testify before the court. In this regard, the Panel considers that Victims' Counsel will be submitting a list of potential witnesses for its case by 28 May 2025⁷⁰ and Victims' Counsel's case is tentatively scheduled to commence in July 2025.⁷¹ Mr Veseli will soon have sensitive information regarding the names and personal details of witnesses,⁷² victims' statements, and/or supplementary information on the harm that victims are alleged to have sustained.⁷³ The Panel has on many occasions recalled that, due to the general climate of witness and victim intimidation prevailing in Kosovo, victims participating in the proceedings are especially vulnerable.⁷⁴ The Panel

⁷⁰ See Transcript of Hearing, 23 April 2025, p. 26177, lines 2-13.

⁷¹ See Transcript of Hearing, 23 April 2025, p. 26175, lines 24, 25 and p. 26186, lines 20, 21.

⁷² See Transcript of Hearing, 23 April 2025, p. 26177, lines 14-20.

⁷³ Transcript of Hearing, 23 April 2025, p. 26158, lines 2-11.

⁷⁴ See e.g. F02786, Panel, *Decision on Seventeenth Registry Report on Victims' Applications for Participation in the Proceedings*, 16 December 2024, confidential, para. 26 (a public redacted version was filed the same day, F02786/RED).

further underscores in this respect that there are ongoing proceedings related to allegations of obstruction in this case.⁷⁵

34. Turning to the Veseli Defence's arguments that: (i) it has never been established that Mr Veseli was involved in witness interference; and (ii) there is no evidence that he abused his position of influence in Kosovo in the manner suggested by the SPO, or that he has propensity to engage in such conduct, the Panel recalls that it is not required to determine whether the Accused "will" obstruct the proceedings, but rather whether "there are articulable grounds to believe" this.⁷⁶ The Panel recalls, in this regard, that it ordered that additional restrictions be placed upon the ability of Mr Veseli to have contacts and visits in the SC Detention Facilities because it appeared that he disclosed privileged information to unauthorised third parties.⁷⁷ Even though the Panel made no finding with respect to whether Mr Veseli's conduct amounted to an offence,⁷⁸ and, as the Veseli Defence avers, there have been no subsequent reports of Mr Veseli having acted in any such manner, the Panel remains of the view that the records on which it based its decision to order additional conditions on Mr Veseli, which include a transcript of communications between Mr Veseli and his visitors during non-privileged visits at the SC Detention Facilities,⁷⁹ further support the suggestion of a risk that Mr Veseli could divulge confidential information to unprivileged third parties.⁸⁰ In the Panel's view, there is no new information since the Last Detention Review Decision which would lead to a different conclusion.

35. In light of the foregoing, the Panel finds that, at the current stage of the proceedings, namely the close of the SPO's case and the forthcoming Rule 130

⁷⁵ *Specialist Prosecutor vs. Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi* (KSC-BC-2023-12). See KSC-BC-2023-12, F00036/RED, Pre-Trial Judge, *Public Redacted Version of Decision on confirmation of the Indictment*, 12 May 2025, public.

⁷⁶ First Appeals Decision on Veseli Interim Release, para. 19.

⁷⁷ See Last Detention Review Decision, para. 22.

⁷⁸ See Decision on Detention Conditions, para. 39.

⁷⁹ See Decision on Detention Conditions, para. 35.

⁸⁰ Last Detention Review Decision, para. 22.

litigation, the risk that Mr Veseli will obstruct the progress of SC proceedings has not diminished.

36. Therefore, the Panel finds that the risk that Mr Veseli will obstruct the progress of SC proceedings, if released, as set out in Article 41(6)(b)(ii) of the Law, continues to exist.

(c) Risk of Committing Further Crimes

37. The Veseli Defence recalls that the Panel has previously addressed the risk of committing further crimes together with the risk of obstructing the proceedings, noting that their findings were underpinned by the same circumstances.⁸¹ According to the Veseli Defence, as the risk of obstruction no longer persists, there is no risk that Mr Veseli would commit further crimes.⁸²

38. The SPO responds that, given that the findings and the considerations made by the Panel in the Last Detention Review Decision in the context of its assessment of the risk of obstruction remain unchanged, there is no need to depart from the findings made by the Panel in respect of the risk of committing further crimes.⁸³

39. The Panel recalls that in the Last Detention Review Decision it found that the risk that Mr Veseli will commit further crimes continues to exist.⁸⁴ As outlined in the Last Detention Review Decision and noted by the Parties in their submissions, the Panel considers that the same factors that were taken into account in relation to the risk of obstructing the proceedings are relevant to the analysis of the risk of Mr Veseli committing further crimes.⁸⁵ In view of its findings and considerations in paragraphs 30-35 of the present decision, the Panel considers that no new

⁸¹ Request, para. 34.

⁸² Request, paras 34-39.

⁸³ Response, para. 31.

⁸⁴ Decision on Detention Review, para. 26.

⁸⁵ See Decision on Detention Review para. 26; *above*, paras 37-38.

circumstances have arisen since the Last Detention Review Decision that would justify a different finding in respect of this matter.

40. In light of the foregoing, the Panel finds that the closure of the SPO's case and impending Rule 130 litigation do not materially affect the Panel's finding Mr Veseli will commit further crimes if released.

41. Therefore, the Panel concludes that the risk that Mr Veseli will commit further crimes, as set out in Article 41(6)(b)(iii) of the Law, continues to exist.

3. Conclusion

42. The Panel concludes that at this time, there continues to be insufficient information before it justifying a finding that Mr Veseli may abscond from justice if released. However, the Panel is not satisfied that the current stage of the proceedings warrants a reversal of the Panel's earlier findings that there is a risk that Mr Veseli will obstruct the progress of SC proceedings or commit further crimes against those perceived as being opposed to the Kosovo Liberation Army, including witnesses who have provided or could provide evidence in the case or are due to appear before the SC. The Panel will assess below whether these risks can be adequately addressed by any conditions for Mr Veseli's release.

B. PROPOSED CONDITIONS

43. The Veseli Defence submits that any residual risk identified by the Panel under Article 41(6)(b) of the Law could be effectively managed through interim release with conditions implemented by the Kosovo Police.⁸⁶

44. It recalls that the Pre-Trial Judge has previously dismissed conditions for interim release proposed by the Veseli Defence, having found that: (i) the officers of the SC Detention Facilities were "highly qualified, [REDACTED], and receive training on applying the visits and communications regime at the SC Detention

⁸⁶ Request, paras 3, 28, 41-56.

Facilities;" and (ii) the information provided by the Kosovo Police was not in his view capable of eliminating the possibility of Mr Veseli passing messages to his family members [REDACTED], or of using coded messages during monitored conversations.⁸⁷ The Veseli Defence contends that, based on the information by the Kosovo Police regarding its personnel capacity, and its willingness to enforce any conditions on Mr Veseli's interim release, there are no grounds for any of the concerns previously raised by the Pre-Trial Judge.⁸⁸ The Veseli Defence proposes that Mr Veseli be held [REDACTED]: (i) [REDACTED]; (ii) [REDACTED]; (iii) [REDACTED]; and (iv) [REDACTED].⁸⁹ The Veseli Defence also submits that Mr Veseli is willing to surrender his passport, and to comply with any measure which may be deemed necessary by the Panel ("Proposed Conditions").⁹⁰ According to the Veseli Defence, the assurances by the Kosovo Police, together with the specific measures it offers for Mr Veseli's conditional release, should be considered together with its ability to deal with interim releases previously ordered by SC.⁹¹ In addition, the Veseli Defence invites the Panel to request any additional information which it may deem missing from the Kosovo Police directly.⁹²

45. The SPO responds that [REDACTED], no combination of these conditions is sufficient to mitigate the risks related to Mr Veseli's the provisional release.⁹³ The SPO contends in this regard that: (i) [REDACTED];⁹⁴ (ii) [REDACTED];⁹⁵

⁸⁷ Request, para. 44.

⁸⁸ Request, paras 41-56, with references.

⁸⁹ See Request, paras 28, 40; see also Annex 1 to the Request, pp. 4-7, 73-80.

⁹⁰ Request, para. 40, 56.

⁹¹ Request, para. 55.

⁹² Request, para. 56.

⁹³ Response, para. 32.

⁹⁴ Response, para. 33.

⁹⁵ Response, para. 34 and footnote 74. See also, Response, para. 36.

(iii) [REDACTED];⁹⁶ (iv) [REDACTED];⁹⁷ (v) [REDACTED];⁹⁸ (vi) [REDACTED];⁹⁹ (vii) [REDACTED];¹⁰⁰ and (viii) the monitoring framework of the SC Detention Facilities remains critical to ensuring that no confidential information is disclosed to unauthorised persons.¹⁰¹ The SPO also argues that the fact that Mr Veseli has, under the more restrictive and monitored detention regime at the SC Detention Facilities, abided by its terms shows that the restrictions imposed by the Panel are effective and working.¹⁰²

46. The Veseli Defence replies by reiterating that: (i) any residual existing risk identified by the Panel can be mitigated through conditional release;¹⁰³ and (ii) since the Kosovo Police, as an organ of the same State to which the SC belongs, must abide by any judicial order of the Panel, any concern about its willingness or ability to enforce any condition ordered on Mr Veseli must be considered within said legal framework.¹⁰⁴ The Veseli Defence also reiterates that the Panel may seek further information from the Kosovo Police to satisfy itself of the operability of any conditions it chooses to impose.¹⁰⁵

47. The Panel recalls that, when deciding on whether a person should be released or detained, it must consider alternative measures to prevent the risks in Article 41(6)(b) of the Law.¹⁰⁶ Article 41(12) of the Law sets out a number of options

⁹⁶ Response, para. 34.

⁹⁷ Response, para. 35.

⁹⁸ Response, para. 37.

⁹⁹ Response, para. 38.

¹⁰⁰ Response, paras 39, 40.

¹⁰¹ Response, para. 41.

¹⁰² Response, para. 42.

¹⁰³ Reply, para. 5.

¹⁰⁴ Reply, para. 10.

¹⁰⁵ Reply, paras 15, 19.

¹⁰⁶ As regards the obligation to consider “alternative measures”, 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* (“SCCC 26 April 2017 Judgement”), 26 April 2017, paras 114, 116. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC], para. 87 in fine; ECtHR, *Idalov v. Russia* [GC], para. 140 in fine.

to be considered in order to ensure the accused's presence at trial, to prevent reoffending or to ensure successful conduct of proceedings. In this respect, the Panel recalls that detention should only be continued if there are no alternative, more lenient measures reasonably available that could sufficiently mitigate the risks set out in Article 41(6)(b) of the Law.¹⁰⁷ The Panel must therefore consider all reasonable alternative measures that could be imposed and not only those raised by the Veseli Defence or the SPO.¹⁰⁸

48. The Panel has repeatedly found that none of the measures foreseen in Article 41(12), nor any of the conditions previously proposed by the Veseli Defence, nor any additional measure it may order on the Accused would sufficiently mitigate the risk that he may obstruct the proceedings or commit further crimes, if released.¹⁰⁹ The Panel has also repeatedly maintained that these risks can only be managed through the communication monitoring framework applicable at the SC Detention Facilities, including those conditions ordered by this Panel.¹¹⁰ These findings rest on, *inter alia*, findings made by the Pre-Trial Judge, including on some of the Proposed Conditions, which were upheld by the Court of Appeals Panel,¹¹¹ and then continuously maintained by the Panel throughout

¹⁰⁷ SCCC 26 April 2017 Judgment, paras 114, 116; KSC-CC-PR-2020-09, F00006, Specialist Chamber of the Constitutional Court, *Judgment on the Referral of Amendments to the Rules of Procedure and Evidence Adopted by the Plenary on 29 and 30 April 2020*, 22 May 2020, para. 70. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC], para. 87 in fine; ECtHR, *Idalov v. Russia* [GC], para. 140 in fine.

¹⁰⁸ See similarly, F00380, Pre-Trial Judge, *Decision on Review of Detention of Kadri Veseli* ("Second Decision on Veseli Interim Release"), 2 July 2021, confidential, para. 30, with references (a public redacted version was issued on the same day F00380/RED).

¹⁰⁹ Last Detention Review Decision, paras 32-34.

¹¹⁰ Last Detention Review Decision, para. 33.

¹¹¹ See F00178, Pre-Trial Judge, *Decision on Kadri Veseli's Application for Interim Release* ("First Decision on Veseli Interim Release") 22 January 2021, public, paras 59-61; First Appeals Decision on Veseli Interim Release, paras 73-77; Second Decision on Veseli Interim Release, paras 47-51; Second Appeals Decision on Veseli Interim Release, paras 48-53; F00576, *Decision on Remanded Detention Review Decision and Periodic Review of Detention of Kadri Veseli* ("Third Decision on Veseli Interim Release"), 23 November 2021, confidential, paras 80, 81-89, 90-95, 96-98, 99-100; IA014/F00008, Court of Appeals Panel, *Decision on Kadri Veseli's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention* ("Third Appeals Decision on Veseli Interim Release"), 31 March 2022, confidential, paras 56-57 (a public redacted version was issued on the same day, IA014/F00008/RED).

this trial up until the Last Detention Review Decision.¹¹² The Panel further notes that it is not persuaded that the closure of the SPO's case and impending Rule 130 litigation materially affect the finding that the abovementioned risks continue to exist.¹¹³

49. The Veseli Defence posits that, with the assurances provided by the Kosovo Police, any residual risk of obstructing the SC proceedings and of committing further crimes can be sufficiently managed through the Proposed Conditions.¹¹⁴ The Panel will therefore assess whether, at this juncture, and in light of the information provided by the Kosovo Police, the Proposed Conditions may sufficiently mitigate the existing risks of obstructing the SC proceedings and of committing further crimes.

50. The Panel takes note of the information provided by the Kosovo Police in relation to its personnel training and the cases wherein it was tasked to implement house arrests, [REDACTED].¹¹⁵ The Panel also notes that the European Commission has reported that the operational capacity of the Kosovo Police appears to have steadily improved.¹¹⁶ However, the Panel remains unpersuaded that the measures proposed by the Kosovo Police in relation to the monitoring and restriction of communications can sufficiently address issues of dealing with [REDACTED], during a longer period of provisional release. Particularly, the Panel is of the view that the information provided [REDACTED] does not address the risk associated with the possible leak of coded messages about protected witnesses, including those who have already testified and those who may come to testify in the upcoming phases of the trial.

¹¹² Last Detention Review Decision, paras 32-34, with references. For the first Panel's decision on Mr Veseli's detention, *see* First Panel's Decision on Veseli's Detention.

¹¹³ *See above*, paras 35-36, 40-41.

¹¹⁴ *See above*, paras 8, 43-44, 46.

¹¹⁵ Request, paras 47-48, 53-55, *referring to* Annex 1 to the Request.

¹¹⁶ Request, paras 51-52, with references.

51. The Panel recalls in this regard the Pre-Trial Judge's findings that prohibiting Mr Veseli from contacting witnesses, persons connected to the case or, for that matter, any person in Kosovo can neither be enforced nor monitored, whether this prohibition refers to in-person contacts or communication through electronic devices.¹¹⁷ Based on the information provided by the Kosovo Police, the Panel observes that [REDACTED].¹¹⁸ Even taking at best the proposed measures of: (i) [REDACTED];¹¹⁹ and/or (ii) [REDACTED],¹²⁰ the Panel considers that these measures are insufficient to monitor the Accused's exchanges with his close family members.¹²¹ The Panel notes in this regard that, at the SC Detention Facilities, unmonitored "private visits" are only allowed for limited time periods and that visitors are searched before entry of the premises.¹²² Additionally, the Panel observes that, where the Registrar (or the Chief Detention Officer) is in possession of information that there is a credible risk of witness-related information being disclosed during a visit, including a private visit with family members, the Registrar (or, acting on her behalf, the Chief Detention Officer) has the authority to refuse such a visit and/or to impose those measures that are proportionate and necessary to effectively addressing that risk.¹²³ The Panel finds merit in the SPO's argument that, [REDACTED].¹²⁴

52. Similarly, the Panel considers that the assurances provided by the Kosovo Police would not sufficiently mitigate the risks associated with the potential leak of confidential witness-related information during visits with Mr Veseli. In

¹¹⁷ First Decision on Veseli Interim Release, para. 59.

¹¹⁸ See Annex 1 to the Request, pp. 79-80.

¹¹⁹ See Annex 1 to the Request, pp. 77-78.

¹²⁰ See Annex 1 to the Request, p. 79.

¹²¹ Third Decision on Veseli Interim Release, paras 82, 86; Third Appeals Decision on Veseli Interim Release, para. 35.

¹²² See Second Appeals Decision on Veseli Interim Release, footnote 95; Third Decision on Veseli Interim Release, para. 83.

¹²³ See similarly, F02115, Panel, *Decision on Registry Notification in Relation to Court-Ordered Protective Measures and Request for Guidance Pursuant to Decision F01977*, 9 February 2024, confidential, para. 32 (a public redacted version was issued on the same day F02115/RED).

¹²⁴ Response, para. 34.

particular, the Panel is mindful that [REDACTED].¹²⁵ As such, the Panel considers that, were Mr Veseli and his visitors to use coded messages, [REDACTED].¹²⁶ The Panel is also of the view that the issue of coded messaging would persist even in [REDACTED]¹²⁷ [REDACTED]. As previously found by the Court of Appeals Panel, even considering that a Kosovo Police officer may [REDACTED].¹²⁸ Conversely, the Panel considers that the recording mechanisms in place at the SC Detention Facilities,¹²⁹ and the staff of the Registrar, seen as a whole, provide robust assurances against the risk linked with illicit communications. Particularly, the Panel recalls the Court of Appeals' findings that the Chief Detention Officer, an official of the SC appointed by the Registrar, is in a better position to promptly bring to the Registrar's attention any communications that raise concerns, [REDACTED].¹³⁰ In addition, the Chief Detention Officer has broad authority to take further measures to restrict the communications of detainees, if deemed necessary.¹³¹ Accordingly, even though the risk of illicit exchanges for the purpose of obstructing the proceedings and/or committing further crimes cannot be fully eliminated, the Panel remains of the view that the measures in place at the SC Detention Facilities offer a controlled environment where a potential breach of confidentiality could be more easily identified and/or prevented.¹³²

53. For these reasons, the Panel finds that, at this juncture, even after considering the information provided by the Kosovo Police, the Proposed Conditions are altogether insufficient to mitigate the risks of obstruction and commission of

¹²⁵ Third Decision on Veseli Interim Release, para. 88; Third Appeals Decision on Veseli Interim Release, para. 43.

¹²⁶ Third Appeals Decision on Veseli Interim Release, para. 43.

¹²⁷ [REDACTED].

¹²⁸ Third Appeals Decision on Veseli Interim Release, para. 41.

¹²⁹ See Decision on Detention Conditions, paras 57.

¹³⁰ Third Appeals Decision on Veseli Interim Release, para. 41. See also, Decision on Detention Conditions, para. 78.

¹³¹ Third Appeals Decision on Veseli Interim Release, para. 41.

¹³² See, Last Detention Decision, para. 33.

further crimes.¹³³ The Panel also finds that no additional condition that the Panel could reasonably impose *proprio motu* under Article 41(12) can sufficiently mitigate such risks at this juncture.¹³⁴

54. As for the Veseli Defence's invitation to the Panel to make further inquiries with the Kosovo Police,¹³⁵ the Panel is of the view that there is no need for any such request. The Kosovo Police have been approached on multiple separate occasions by the Veseli Defence and directly by the Pre-Trial Judge in the past, and again by the Veseli Defence as recently as March 2025.¹³⁶ The Panel is of the view that these exchanges have given the Kosovo Police a reasonable opportunity to provide any additional information they considered to be relevant, for the present determination.¹³⁷ Therefore, the Kosovo Police have had ample opportunity to provide the required information and any further additional information would not assist the Panel any further in relation to this matter.¹³⁸

55. The Panel maintains that it is only through the communication monitoring framework applicable at the SC Detention Facilities that Mr Veseli's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.¹³⁹ In the Panel's view, based on the available information, and in the absence of any intervening developments regarding this matter, this conclusion continues to hold true.

56. In these circumstances, the Panel finds that Mr Veseli's continued detention in the SC Detention Facilities is necessary in order to avert the risks in Article 41(6)(b)(ii) and (iii).

¹³³ See similarly, Last Detention Decision, para. 33.

¹³⁴ See similarly, Last Detention Decision, paras 32-33.

¹³⁵ Request, para. 59.

¹³⁶ Request, paras 17, 20, 41, 47-48, 53. Regarding previous exchanges between the Veseli Defence and the Kosovo Police, see Annex 1 to the Request. Regarding previous orders for submissions by the Pre-Trial Judge to the Kosovo Police, see Third Decision on Veseli Interim Release, para. 9.

¹³⁷ See similarly, Third Decision on Veseli Interim Release, para. 97.

¹³⁸ See similarly, Third Decision on Veseli Interim Release, para. 97.

¹³⁹ See similarly, Last Detention Decision, para. 33.

C. REASONABLENESS OF THE DETENTION

57. The Veseli Defence underscores that Mr Veseli has been in detention within the SC Detention Facilities for four years and half, while his wife, school-aged children, and most of his extended family remain in Kosovo.¹⁴⁰ The Veseli Defence asserts that this is a considerable amount of time to be spent in custody without conviction, by any measure. In this regard, the Veseli Defence submits that, as several further phases of the case have yet to be completed before a judgement will be rendered, Mr Veseli's continued detention would be disproportionate.¹⁴¹ In support, the Veseli Defence recalls that the Single Judge determined that the detention of Isni Kilaj ("Mr Kilaj"), an accused in the case of the *Specialist Prosecutor vs. Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi* (KSC-BC-2023-12) ("Case 12"), would become unreasonably lengthy after serving six months in pre-trial detention, because the opening of the case was not expected in the near future, and the maximum sentence foreseen for the offences charged was five years.¹⁴² According to the Veseli Defence, these considerations apply to Mr Veseli's case as he has now served a similar proportion of the maximum possible sentence he could face if convicted in this case.¹⁴³

58. The SPO responds that the European Court of Human Rights has repeatedly held that detention of more than five years may be justified in the presence of particularly strong justifications or exceptional circumstances, such as the complexity of a given case.¹⁴⁴ The SPO submits that international tribunals dealing with similar matters have not considered unreasonable similar lengths of

¹⁴⁰ Request, para. 4.

¹⁴¹ Request, paras 5, 57.

¹⁴² Request, para. 57.

¹⁴³ Response, para. 58.

¹⁴⁴ Response, paras 44-46.

detention in complex cases akin to that against the Accused.¹⁴⁵ The SPO also submits that the circumstances in which Mr Kilaj was released differ from the circumstances regarding Mr Veseli.¹⁴⁶ Furthermore, the SPO argues that: (i) Mr Veseli's wish to see his family is neither a humanitarian circumstance nor an informative factor for the Panel's analysis under Article 41(6); and (ii) the Accused's presumption of innocence does not play a determinative role for provisional release.¹⁴⁷

59. The Panel recalls that the reasonableness of an accused's continued detention must be assessed on the facts of each case, and according to its special features at the time when the assessment is being made.¹⁴⁸ The Panel has previously considered that the special features in this case include the fact that: (i) Mr Veseli is charged with ten counts of serious international crimes in which he is alleged to have played a significant role; (ii) if convicted, Mr Veseli could face a lengthy sentence; (iii) the risks under Article 41(6)(b)(ii) and (iii) cannot be mitigated by any conditions; (iv) the case against Mr Veseli is complex; and (v) the trial is underway, demonstrating a reasonable progression of the proceedings.¹⁴⁹

60. Against this backdrop, the Panel finds that none of the arguments put forward by the Veseli Defence demonstrate that Mr Veseli's detention has become unreasonable.

61. First, the Panel observes that the risks under Article 41(6)(b)(ii) and (iii) continue to exist and cannot be mitigated by any reasonable conditions.¹⁵⁰ Second, the Single Judge's consideration that Mr Kilaj's pre-trial detention would become unreasonable *vis-à-vis* the prospective sentence he would face if convicted, was

¹⁴⁵ Response, para. 46.

¹⁴⁶ Response, para. 47.

¹⁴⁷ Response, paras 49-50.

¹⁴⁸ Last Detention Decision, para. 36.

¹⁴⁹ Last Detention Decision, para. 36.

¹⁵⁰ See above, paras 36, 41, 42, 53, 56.

grounded on the Single Judge's assessment of Mr Kilaj's exclusive circumstances, namely that: (i) at the time when he was released, no charges had been confirmed against him; (ii) the SPO had requested a suspension of the Pre-Trial Judge's assessment of the indictment filed in Case 12; and (iii) the SC legal framework only foresees the possibility of detaining a suspect prior to the filing of an indictment or its confirmation for a period up to one year, a period which Mr Kilaj had already half served when the Single Judge decided to release him.¹⁵¹ Third, the Panel considers that the Veseli Defence's contention that, in view of the forthcoming stages of the trial the rendering of the trial judgment is more than one year away,¹⁵² is speculative at this juncture. Moreover, the time served by Mr Veseli in detention is only one factor, to be weighed against all other circumstances of the case.¹⁵³ Thus, the inference drawn by the Veseli Defence is without merit. Fourth, the Panel observes that Mr Veseli's detention will be reviewed within two months of the rendering of the Last Detention Review Decision, and thereafter every two months, and/or at any time upon request of the Parties.¹⁵⁴

62. In light of the above, and considering that Mr Veseli's continued detention is necessary within the meaning of Article 41(6)(b)(ii) and (iii),¹⁵⁵ and no reasonable conditions can be imposed for his interim release,¹⁵⁶ the Panel is satisfied that, in light of all relevant facts and circumstances, Mr Veseli's detention continues to be necessary and reasonable.

¹⁵¹ KSC-BC-2018-01/F00658/COR/RED, *Public Redacted Version of Corrected Version of Decision on Review of Detention of Isni Kilaj*, 15 May 2024, paras 62-65.

¹⁵² *See above*, para. 57.

¹⁵³ *See above*, para. 59.

¹⁵⁴ Rule 57(2) of the Rules.

¹⁵⁵ *See above*, para. 36, 41, 42.

¹⁵⁶ *See above*, para. 53, 55-56.

V. DISPOSITION

63. For the foregoing reasons, the Panel hereby:

- (a) **DENIES** the Request;
- (b) **ORDERS** Mr Veseli's continued detention; and
- (b) **REMINDS** the Parties of the briefing schedule for their submissions on the next by-monthly detention review, as set in paragraph 38(b) of the Last Detention Review Decision.



Judge Charles L. Smith, III

Presiding Judge

Dated this Tuesday, 13 May 2025

At The Hague, the Netherlands.

Explanatory Note:

Typographical errors have been corrected in paragraphs 7, 8, 19, 20, 22, 28, 32, 34, 39, 42, 45, 50, 51, and 54, and in footnotes 57, 123, and 127.

In footnote 124, the reference to paragraph 35 has be substituted with a reference to paragraph 34.

In footnote 142, the reference to paragraph 56 has been substituted with a reference to paragraph 57.