



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

Language: English

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**Public Redacted Version of Corrected Version of Consolidated Decision on Selimi
Defence Request for Provisional Release and on Periodic Review of Detention of
Rexhep Selimi**

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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 13 March 2025, the Panel issued a decision on the periodic review of the detention of Rexhep Selimi ("Mr Selimi") wherein it found that Mr Selimi's detention for a further two months was necessary and reasonable in the specific circumstances of the case and ordered Mr Selimi's continued detention.¹
2. On 3 April 2025, the Defence for Mr Selimi ("Selimi Defence") filed a request for provisional release ("Request").²
3. On 14 April 2025, the Specialist Prosecutor's Office ("SPO") filed a consolidated response to the provisional release requests filed by Mr Selimi, Mr Veseli and Mr Krasniqi ("Response").³
4. On 15 April 2025, the SPO filed a notice announcing the closing of its case.⁴
5. On 16 April 2025, the SPO filed its submissions on the continued detention of Mr Selimi ("SPO Submissions").⁵ The Selimi Defence did not respond to the SPO Submissions.

¹ F03008, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi*, ("Detention Review Decision"), 13 March 2025, paras 32, 34.

² F03078, Specialist Counsel, *Selimi Defence Request for Provisional Release*, 3 April 2025, confidential, with Annexes 1 and 2, confidential (a public redacted version was filed on 22 April 2025, F03078/RED).

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 F03125, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Rexhep Selimi*, 16 April 2025.

6. On 22 April 2025, the Selimi Defence filed its reply to the Response (“Reply”).⁶

7. 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 later⁷ and ordered the SPO to file its consolidated response by 1 July 2025, or within 30 days of the Defence’s Rule 130 motion, whichever occurs later.⁸

8. The Panel also ordered Victims’ Counsel to present, by 28 May 2025,⁹ or on a rolling basis but no later than 1 July 2025,¹⁰ *inter alia*: (i) a list of proposed witnesses to be called should the Panel find the joint 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.¹¹ 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.¹² The Panel also indicated it expected the Victims’ Counsel case to start in July 2025.¹³

II. SUBMISSIONS

9. The Selimi Defence requests the Panel to order Mr Selimi’s interim release with immediate effect until the commencement of the Victims’ Counsel’s case.¹⁴ The Selimi Defence submits that, in light of the current stage of the proceedings, a

⁶ F03138, Specialist Counsel, *Selimi Defence Reply to Consolidated Prosecution Response to Veseli, Selimi, and Krasniqi Provisional Release Requests*, 22 April 2025, confidential (a public redacted version was filed on 22 April 2025, F03138/RED).

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

⁸ Transcript of Hearing, 23 April 2025, p. 26176, lines 11-13.

⁹ Transcript of Hearing, 23 April 2025, p. 26177, lines 1-2.

¹⁰ Transcript of Hearing, 23 April 2025, p. 26184, lines 17-19.

¹¹ Transcript of Hearing, 23 April 2025, p. 26177, lines 2-13.

¹² Transcript of Hearing, 23 April 2025, p. 26177, lines 14-20.

¹³ Transcript of Hearing, 23 April 2025, p. 26175, lines 24-25.

¹⁴ Request, paras 1, 21.

change of circumstances has occurred since the Panel last reviewed Mr Selimi's detention.¹⁵ The Selimi Defence submits that Mr Selimi's detention cannot be justified on the basis of the risk of flight.¹⁶ Similarly, the Selimi Defence argues that, given the stage of the proceedings when the SPO will not call any more witnesses, the risk of obstruction and interference with the proceedings as well as the risk of committing further crimes has decreased far below the requisite standard envisaged by Article 41(6)(b)(ii) of the Law.¹⁷ The Selimi Defence proposes measures which would in its view sufficiently mitigate any residual risks that may be associated with Mr Selimi's provisional release¹⁸ and, in support, provides assurances provided to it by the Kosovo Police regarding the ability of the Kosovo Police to enforce the proposed conditions.¹⁹

10. The SPO responds that the provisional release requests, including for Mr Selimi, should be rejected given that the criteria under Article 41(6) of the Law continue to be met, and no alternative measures sufficiently address these risks.²⁰

11. The Selimi Defence replies that the Response should be rejected given, *inter alia*, that: (i) the Response is replete with predictions made without any concrete arguments that Mr Selimi will engage in any of the described acts that the SPO presents as inevitable; (ii) the SPO invites the Panel to revise the applicable legal standard concerning provisional release, which would render provisional release impossible before the SC; and (iii) the SPO attempts to discredit the ability of the Kosovo Police to implement the proposed release conditions.²¹

12. In the SPO Submissions, the SPO requests that the detention of Mr Selimi continue as, since the last review of Mr Selimi's detention, there has been no

¹⁵ Request, paras 1, 2, 18, 19.

¹⁶ Request, paras 3, 4.

¹⁷ Request, paras 8-13.

¹⁸ Request, paras 14, 19.

¹⁹ Request, paras 15-17.

²⁰ Response, paras 1, 52.

²¹ Reply, para. 1.

change in circumstances that would affect the factors supporting the need and reasonableness of detention.²² The SPO submits that the continued progression of the trial, and related developments, the end of the presentation of the SPO's case in particular, add to the necessity and reasonableness of Mr Selimi's detention.²³ In addition, the SPO submits that detention should be maintained also for the reasons set out in its Response to the Request, insofar as the two filings overlap.²⁴

III. APPLICABLE LAW

13. The law applicable to deciding the present matter is set out in Article 41(6), (10), and (12) and Rules 56 and 57, and has already been laid out in earlier decisions.²⁵ Particularly, Article 41(6) 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), and Rule 56(5), the Panel may consider alternative measures to be imposed on the accused's release.

14. If detention is necessary, Article 41(10) and Rule 57(2) 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

²² SPO Submissions, paras 1, 6.

²³ SPO Submissions, paras 1, 6.

²⁴ SPO Submissions, para. 2.

²⁵ See e.g. F01213, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi* ("Seventh Detention Decision"), 17 January 2023, confidential, para. 10, with further references (a public redacted version was filed on 18 January 2023); See also F00179, Pre-Trial Judge, *Decision on Rexhep Selimi's Application for Interim Release* ("First Detention Decision"), 22 January 2021, confidential, paras 17-26 (a public redacted version was filed on 26 January 2021, F00179/RED); F00580, Pre-Trial Judge, *Decision on Remanded Detention Review and Periodic Review of Detention of Rexhep Selimi* ("Third Detention Decision"), 26 November 2021, confidential, para. 20, with further references (public redacted version was issued on 8 December 2021, F00580/RED).

warranting the accused's release. Any such determination must consider alternative measures to Mr Selimi's detention, and whether his ongoing detention is proportional.

IV. DISCUSSION

A. PRELIMINARY MATTERS

15. First, the Panel notes that that it has before it Mr Selimi's request for provisional release as well as the SPO's submissions on the Panel's bi-monthly review of detention, which is due 13 May 2025. In these particular circumstances, the Panel will address both matters in one consolidated decision, taking into account all the submissions made by the Parties. The Panel emphasises that this does not alter the regular schedule for detention review, or the right of the Parties to request at any time a review of detention under Rule 57(2). Nor does it affect the fact that the SPO bears the onus of establishing the necessity and reasonableness of continued detention.

B. APPLICABLE LEGAL STANDARD

1. Grounded Suspicion

16. As regards the threshold for continued detention, Article 41(6)(a) 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.²⁶

17. The Panel observes that, in the Request and Response, the Parties made no submissions in relation to Article 41(6)(a) of the Law. In the SPO Submissions, however, the SPO argues that the criterion in Article 41(6)(a) is still met. In the

²⁶ Similarly, ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, [Judgment](#), 28 November 2017, para. 222.

SPO's view, nothing has occurred that could detract from the Pre-Trial Judge's findings that there remains a well-grounded suspicion that Mr Selimi has committed a crime within the jurisdiction of the SC.²⁷ Rather, such suspicion has increased with the evidence of all SPO witnesses now included in the trial record.²⁸

18. The Panel notes that, pursuant to Article 39(2), it has been determined that there is a well-grounded suspicion that Mr Selimi 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).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 Selimi 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).³¹

19. The Panel has repeatedly confirmed these findings since they were made.³² Absent any new material circumstances affecting the above finding, the Panel finds that there continues to be a grounded suspicion that Mr Selimi has committed crimes within the subject-matter jurisdiction of the SC for the purposes of Article 41(6)(a) and (10).

2. Necessity of Detention

20. 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

²⁷ SPO Submissions, para. 9.

²⁸ SPO Submissions, para. 9.

²⁹ Detention Review Decision, para. 9, and references therein.

³⁰ Detention Review Decision, para. 9, and references therein.

³¹ *See e.g.*, Second Detention Decision, para. 19.

³² *See amongst many*, Detention Review Decision, para. 9.

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) 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

21. The Selimi Defence argues that the circumstances since the time of the Panel’s last review of his detention on remand have changed, given that there are no further witnesses scheduled to testify as part of the SPO’s case. As a result, the Selimi Defence avers, the risks identified by the Panel as they relate to the remaining witnesses have either expired, or at the very least, have significantly abated.³⁶ Conversely, 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. Rather, in the SPO’s view, this risk is heightened.³⁷ The SPO further contends that the forthcoming Rule 130 litigation constitutes a changed circumstance warranting reconsideration of the Panel’s finding that Mr Selimi is not a flight risk.³⁸

22. The Panel will therefore assess the three alternative bases on which detention may be found necessary in light of the stage of the proceedings, namely the closing of the SPO’s case and the impending Rule 130 litigation. The Panel is of the view

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 IA003/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi’s Appeal Against Decision on Interim Release* (“First Appeals Decision on Selimi’s Detention”), 30 April 2021, confidential, para. 43 (a public redacted version was issued on the same day, IA003/F00005/RED).

³⁵ First Appeals Decision on Selimi’s Detention, para. 40.

³⁶ Request, paras 1, 2.

³⁷ Response, paras 21, 25. See also SPO Submissions, paras 1, 6.

³⁸ Response, para. 10.

that these can be regarded as procedural developments significant enough to warrant renewed assessment by the Panel. The Panel will therefore assess whether the new stage of the proceedings impacts the Panel's previous findings on the necessity of Mr Selimi's continued detention.

(a) Risk of Flight

23. The Selimi Defence submits that no new circumstances have arisen that would require the Panel to depart from its previous rulings wherein it found that Mr Selimi's detention cannot be justified on the basis of the risk of flight. As such, the Selimi Defence avers that the risk of flight does not serve as a basis for detention.³⁹

24. The SPO posits that the imminent Rule 130 litigation marks a new juncture in this trial and, should the Accused lose such litigation, it may increase their incentive to flee.⁴⁰ According to the SPO, the Panel must take such a significant procedural development into consideration when deciding interim release. Similarly, the SPO responds that the fact that the Accused are now closer to receiving the judgement on the charges against them, which include ten counts of war crimes and crimes against humanity, in itself increases the risk of absconding to avoid a potentially long sentence of up to life imprisonment.⁴¹ The SPO further argues that the Accused's assurances that they would not flee are immaterial within the meaning of Article 41(6)(b)(i) of the Law.

25. According to the SPO, the Accused have the means to abscond.⁴² The SPO further contends that the Panel need only consider the possibility – not the inevitability – of the Accused having access to resources where the risk is

³⁹ Request, para. 4.

⁴⁰ Response, paras 9, 10.

⁴¹ Response, para. 10. *See also* SPO Submissions, para. 11.

⁴² Response, para. 12. *See also* SPO Submissions, para. 11.

established on the basis of concrete evidence. The SPO then avers that, taken together, the combination of these factors elevates the risk of flight to a “sufficiently real possibility.”⁴³

26. The Selimi Defence replies that the SPO’s argument relating to the increased risk of flight due to the Rule 130 litigation requires the Panel to either prematurely decide on the Rule 130 litigation or to otherwise speculate extensively.⁴⁴ The Selimi Defence further replies that the SPO fails to explain how the denial of provisional release is the only avenue to address the alleged and hypothetical risks⁴⁵ and that the SPO did not explain how the advanced stage of the trial would dilute prior findings relevant to the Accused’s cooperation with the authorities.⁴⁶

27. The Panel recalls that a change in circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.⁴⁷ The Panel observes that a Rule 130 ruling, which is akin to a ruling under Rule 98*bis* of the Rules of Procedure and Evidence of the *ad hoc* tribunals, has been regarded as a significant enough procedural development that warranted renewed consideration of a risk of flight posed by an accused.⁴⁸ The Panel notes, however, that no Rule 130 ruling has been made so far.⁴⁹ In the last Detention Review Decision, in assessing whether Mr Selimi posed 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 Selimi becomes

⁴³ Response, para. 13. *See also* SPO Submissions, para. 11.

⁴⁴ Reply, para. 3.

⁴⁵ Reply, para. 4.

⁴⁶ Reply, para. 5.

⁴⁷ 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).

⁴⁸ *See e.g.*, ICTY, *The Prosecutor v. Prlić et al*, 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.

⁴⁹ *See* Transcript of Hearing, 23 April 2025, p. 26176, lines 8-14.

more concrete.⁵⁰ The Panel similarly considers that the closing of the SPO's case does not mean that the possible imposition of a sentence against Mr Selimi becomes more concrete as many procedural steps remain, including the Rule 130 procedure. Furthermore, Mr Selimi 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. The Panel also recalls its previous finding that there was no indication that Mr Selimi considered or made preparations to evade arrest.⁵¹ In the present circumstances, the Panel observes that the SPO relies on legal arguments which are currently abstract and do not demonstrate a sufficiently real possibility that Mr Selimi would abscond.

28. The Panel therefore finds that no new evidence has been presented that would warrant a departure from the Panel's previous finding that Mr Selimi is not at risk of fleeing as set out in Article 41(6)(b)(i).

(b) Risk of Obstructing the Progress of SC Proceedings

29. The Selimi Defence contends that the Panel's finding that Mr Selimi's release constitutes a potential risk of obstruction was premised on the protection of witnesses and, given the stage of the proceedings, this consideration is now moot.⁵² According to the Selimi Defence, in light of this, the risk of obstruction and interference required by Article 41(6)(b)(ii) has decreased far below the requisite standard which would justify Mr Selimi's continued detention.⁵³

30. The Selimi Defence further submits that: (i) Mr Selimi has not engaged at any point in conduct intended to influence the testimony of witnesses; (ii) Mr Selimi has a history of good cooperation with the SPO investigations; (iii) Mr Selimi has

⁵⁰ Detention Review Decision, para. 12.

⁵¹ Seventh Detention Decision, para. 19.

⁵² Request, para. 8.

⁵³ Request, para. 9.

never been charged with any offence against the administration of justice; and (iv) there is no evidence that Mr Selimi has a propensity to engage in retaliatory acts against witnesses or to commit obstructive acts.⁵⁴ The Selimi Defence points to decisions of other tribunals where provisional release was granted in the period between the end of the Prosecution case and the commencement of the Defence case, and argues that Mr Selimi's presence in The Hague is not necessary during the anticipated Rule 130 litigation.⁵⁵

31. The SPO responds that the Accused isolate just one factor underpinning the Panel's reasoning in the last Detention Review Decision and that, contrary to the Selimi Defence's arguments, the Panel never advanced a finding that the end of the SPO's case would exclude the risk of obstruction. In the SPO's view, the close of the SPO's case does not alter the Panel's assessment within the meaning of Article 41(6)(b)(ii) of the Law⁵⁶ and that the obstruction may occur at any stage of trial.⁵⁷ The SPO further argues that, given Mr Selimi's past conduct in detention, his interim release would increase his capacity to obstruct and endanger proceedings, including through witnesses who have already testified.⁵⁸ The SPO also submits that the Accused's release to Kosovo, where the majority of SPO witnesses reside could improperly influence their evidence. The SPO posits that provisional release could have a chilling effect on the cooperation of the witnesses for the Victims' Counsel's case or on dual status victim-witnesses.⁵⁹

32. The SPO further argues that the Panel's recent findings that Mr Selimi might have disclosed privileged information to unauthorised third parties demonstrated that the risk of obstruction is not only well-founded, but together with the other

⁵⁴ Request, para. 10.

⁵⁵ Request, para. 11.

⁵⁶ Response, paras 20, 22. *See also* SPO Submission, para. 12, with further references.

⁵⁷ Response, paras 22-24. *See also* SPO Submissions, paras 12, 15-16.

⁵⁸ Response, para. 25. *See also* SPO Submissions, para. 17.

⁵⁹ Response, para. 26.

Accused, Mr Selimi presents an especially heightened risk of obstructing SC proceedings.⁶⁰

33. The Selimi Defence replies that the SPO did not substantiate its assertion that Mr Selimi would obstruct proceedings during the next phases of the case or that provisional release would encourage recantations.⁶¹ The Selimi Defence further argues that the fact that Mr Selimi would be released in the same country where most SPO witnesses reside is a routine feature of almost any international criminal trial.⁶² The Selimi Defence also contends that the SPO has not detailed in its Response how Mr Selimi would be prone to obstruct proceedings, or commit further crimes, or that he is partial to behaving in such a way, when such behaviour has no actual benefit.⁶³ The Selimi Defence argues that it is unexplained how provisional release would put any SPO rebuttal witnesses at risk when their identity is not known, and will not be known, to Mr Selimi during the proposed period of provisional release.⁶⁴ In addition, the Selimi Defence argues that continued detention until the possibility of calling further evidence no longer exists would render the right to seek provisional release nugatory and antithetical to the presumption of innocence and the practice of international tribunals.⁶⁵

34. In the Selimi Defence's view, the SPO fails to justify why continued detention is the only alternative, as nothing prevents the Panel from recalling Mr Selimi from provisional release before the Victims' Counsel is ordered to file a list of witnesses.⁶⁶

35. The Panel notes that, in the last Detention Review Decision, it determined, *inter alia*, that: (i) Mr Selimi's past and present positions of influence in Kosovo,

⁶⁰ Response, paras 28, 29. *See also* SPO Submissions, para. 18.

⁶¹ Reply, paras 6, 7.

⁶² Reply, para. 7.

⁶³ Reply, para. 8.

⁶⁴ Reply, para. 9.

⁶⁵ Reply, para. 9.

⁶⁶ Reply, para. 10.

including as Minister of Internal Affairs and having been elected to the Kosovo Assembly, would enable him to influence and mobilise his support network; (ii) there is a persisting climate of intimidation of witnesses and interference with criminal proceedings against former Kosovo Liberation Army (“KLA”) members; and (iii) the proceedings continue to advance and Mr Selimi continues to gain insight into the evidence underpinning the serious charges against him.⁶⁷ The Panel also noted that, due to the nature of an ongoing trial, the names and personal details of certain highly sensitive witnesses have been disclosed to the Selimi 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 are yet to testify.⁶⁸

36. The Panel notes in this regard that, according to the Selimi Defence, the protection of witnesses yet to testify was the key consideration underlying the Panel’s finding that Mr Selimi’s release constituted a potential risk of obstruction⁶⁹ and, in light of the current stage of proceedings, with no more witnesses to testify, the incentive of any Accused to interfere with the evidence to be presented would necessarily subside.⁷⁰ However, the Panel considers that its finding that Mr Selimi’s release constituted a potential risk of obstruction must be assessed in the context of the stage of proceedings in which it was rendered, and did not in any way preclude an assessment in relation to any other witnesses who may testify before the SC, at any stage of the proceedings. Notably, Victims’ Counsel will be submitting a list of potential witnesses for its case by 28 May 2025,⁷¹ and has been instructed to be ready to present his case in July 2025.⁷² The Panel considers that the rationale it applied in relation to SPO witnesses applies equally to witnesses

⁶⁷ Detention Review Decision, para. 18, and references therein.

⁶⁸ Detention Review Decision, para. 19.

⁶⁹ Request, paras 6, 8.

⁷⁰ Request, paras 9, 10.

⁷¹ See Transcript of Hearing, 23 April 2025, p. 26177, lines 2-13.

⁷² See Transcript of Hearing, 23 April 2025, p. 26175, lines 24, 25 and p. 26186, lines 20, 21.

to be called by Victims' Counsel. Mr Selimi will ultimately be, in a short amount of time, exposed to sensitive information regarding the names and personal details of witnesses,⁷³ and victims' statements or supplementary information on the harm that the many victims are alleged to have sustained.⁷⁴ 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.⁷⁵ The Panel is of the view that the risk of interference exists also in relation to witnesses that are still to be heard in this case – witnesses for Victims' Counsel as well as, possibly, witnesses for the Defence. 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 proceedings regarding allegations of interference in the present case are ongoing.

37. Insofar as the Selimi Defence relies on the cases before other international tribunals where respective chambers granted provisional release during a similar stage of the proceedings,⁷⁶ the Panel considers that these cases, while illustrative, are not instructive for the Panel, especially in light of the specific circumstances concerning the climate of witness intimidation in Kosovo.

38. Turning to the Selimi Defence's arguments that: (i) Mr Selimi is not predisposed to obstructing proceedings; and (ii) there is no evidence that Mr Selimi has a propensity to engage in retaliatory acts against witnesses who

⁷³ See Transcript of Hearing, 23 April 2025, p. 26177, lines 14-20.

⁷⁴ Transcript of Hearing, 23 April 2025, p. 26158, lines 2-11.

⁷⁵ 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).

⁷⁶ Request, para. 11.

have testified,⁷⁷ the Panel recalls that it is not required to determine whether an accused is “predisposed” to obstructing proceedings, but rather whether “there are articulable grounds to believe” that he or she will obstruct the proceedings.⁷⁸ The Panel recalls, in this regard, its finding that it appears that Mr Selimi disclosed privileged information to unauthorised third parties, reinforcing the Panel’s finding that the release of Mr Selimi constitutes a risk of obstruction with the progress of SC proceedings.⁷⁹ The Panel considers that there is no new information since the last Detention Review Decision which would lead to a different conclusion.

39. In light of the foregoing, the Panel is not satisfied that, even considering the current stage of proceedings, namely the close of the SPO’s case and the impending Rule 130 litigation, the risk that Mr Selimi will obstruct the progress of SC proceedings if released has diminished.

40. Accordingly, the Panel concludes that the risk that Mr Selimi will obstruct the progress of SC proceedings, if released, as set out in Article 41(6)(b)(ii), continues to exist.

(c) Risk of Committing Further Crimes

41. The Selimi Defence submits that its arguments relating to the risk of Mr Selimi obstructing proceedings apply *mutatis mutandis* in the context of Mr Selimi’s risk of committing further crimes.⁸⁰

⁷⁷ Reply, para. 8.

⁷⁸ IA001/F00005, Court of Appeals Panel, *Decision on Kadri Veseli’s Appeal Against Decision on Interim Release*, 30 April 2021, para. 19.

⁷⁹ Detention Review Decision, paras 20, 21, referring to F01977, Panel, *Further Decision on the Prosecution’s Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi*, 1 December 2023, paras 35-37.

⁸⁰ Request, para. 13.

42. The SPO responds that the assessment under Article 41(6)(b)(iii) of the Law involves whether there is a risk of the Accused committing further crimes, not actual evidence of their planning to do so, and that the factors considered by the Panel in the Detention Review Decision remain unchanged.⁸¹ Moreover, the SPO argues that the factors assessed as to whether there is a risk of obstructing proceedings under Article 41(6)(b)(ii) are also relevant when considering whether there is a risk of further crimes were Mr Selimi to be released.⁸² The SPO submits that this risk has taken on additional significance given the finding that Mr Selimi has divulged confidential information, which he continues to receive, and due to the specific insights he now has into the overall case and evidence against him after the conclusion of the SPO's case.⁸³ Finally, the SPO adds that the crimes against humanity and war crimes that Mr Selimi is charged with are extremely serious, and they are alleged to have been committed in cooperation with others as well as personally by Mr Selimi.⁸⁴

43. The Panel observes that in the last Detention Review Decision it found that there continued to be a risk that Mr Selimi will commit further crimes, as set out in Article 41(6)(b)(iii).⁸⁵ The Panel also notes that the arguments put forward by the Selimi Defence in relation to the risk of obstructing proceedings apply *mutatis mutandis* in the context of Mr Selimi's risk of committing further crimes.⁸⁶

44. The Panel recalls that it has considered the Selimi Defence arguments above and it found that, in light of the current stage of proceedings, the risk that Mr Selimi will obstruct the progress of SC proceedings if released continues to

⁸¹ Response, paras 30, 31.

⁸² SPO Submissions, paras 19-20.

⁸³ SPO Submissions, paras 22.

⁸⁴ SPO Submissions, para. 21.

⁸⁵ Decision on Detention Review, paras 23-24.

⁸⁶ Request, para. 13.

exist.⁸⁷ The Panel finds that there is no new information before it that would lead to a different conclusion.

45. In light of the foregoing, the Panel is not satisfied that, even considering the current stage of proceedings, namely the close of the SPO's case and the impending Rule 130 litigation, the risk that Mr Selimi will commit further crimes has diminished.

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

3. Conclusion

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

C. PROPOSED CONDITIONS

48. The Selimi Defence submits that, should the Panel determine that the risks outlined in Article 41(6) of the Law continue to exist, it is incumbent upon it to

⁸⁷ See above para. 40.

consider more lenient measures when deciding whether a person's continued detention is warranted.⁸⁸

49. In this regard, the Selimi Defence identifies measures which, it submits, would, in light of the change of circumstances, in whole or in part, sufficiently mitigate any residual risks that may be associated with Mr Selimi's provisional release, namely: (i) [REDACTED]; (ii) [REDACTED]; (iii) [REDACTED]; (iv) [REDACTED]; (v) [REDACTED]; (vi) [REDACTED]; (vii) [REDACTED]; (viii) [REDACTED]; (ix) [REDACTED]; (x) [REDACTED]; (xi) [REDACTED]; (xii) Mr Selimi will return to the SC at a date to be determined by the Panel; (xiii) Mr Selimi will strictly comply with any further order of the Panel varying the terms of or terminating his interim release; and (xiv) any other conditions that the Panel may impose upon his release.⁸⁹

50. The Selimi Defence also provides assurances from the Kosovo Police, who have confirmed their ability to: (i) [REDACTED]; (ii) [REDACTED]; (iii) [REDACTED]; (iv) [REDACTED]; and (v) [REDACTED].⁹⁰ The Selimi Defence additionally indicates that the Kosovo Police have provided detailed information in support of [REDACTED].⁹¹ According to the Selimi Defence, these assurances by the Kosovo Police should be considered together with their ability to deal with interim releases previously ordered by SC.⁹²

51. Furthermore, according to the Selimi Defence, the Panel's findings in the last Detention Review Decision related to the stage of proceedings when those findings were made, and therefore, the Panel implicitly accepted the possibility that a material change of circumstances may occur whereby measures alternative to detention would be capable of mitigating the identified risks. The Selimi

⁸⁸ Request, para. 14.

⁸⁹ Request, para. 14.

⁹⁰ Request, para. 15.

⁹¹ Request, paras 15-16.

⁹² Request, para. 17.

Defence argues in this respect that the conclusion of the SPO's case necessarily removed any incentive on the part of the Accused to engage in obstructive conduct,⁹³ and avers that the measures in place at the SC Detention Facilities are no longer proportional to the concerns that the Panel had in the last Detention Review Decision.⁹⁴

52. The SPO responds that, regardless of [REDACTED], no combination of these conditions is sufficient to mitigate the risks of the provisional release.⁹⁵ The SPO contends in this regard that: (i) [REDACTED];⁹⁶ (ii) [REDACTED];⁹⁷ (iii) [REDACTED];⁹⁸ (iv) [REDACTED];⁹⁹ (v) [REDACTED];¹⁰⁰ (vi) [REDACTED];¹⁰¹ (vii) [REDACTED];¹⁰² and (viii) the monitoring framework of the SC Detention Facilities remains critical to ensuring that no confidential information is disclosed to unauthorised persons.¹⁰³ The SPO also argues that the fact that Mr Selimi 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.¹⁰⁴

53. The Selimi Defence replies that the SPO provides no arguments on why the proposed conditions are incapable of mitigating the risks posed by the Accused's provisional release.¹⁰⁵ The Selimi Defence further argues that the SPO merely criticises the Kosovo Police's technical capabilities without providing any support

⁹³ Request, paras 18, 19.

⁹⁴ Request, para. 19.

⁹⁵ Response, para. 32. *See also* SPO Submissions, paras 23-26.

⁹⁶ Response, para. 33.

⁹⁷ Response, para. 34 and footnote 74. *See also*, Response, para. 36.

⁹⁸ Response, para. 34.

⁹⁹ Response, para. 35.

¹⁰⁰ Response, para. 37.

¹⁰¹ Response, para. 38.

¹⁰² Response, paras 39, 40.

¹⁰³ Response, para. 41. *See also* SPO Submissions, para. 27.

¹⁰⁴ Response, para. 42.

¹⁰⁵ Reply, para. 14.

for its contentions,¹⁰⁶ and that requiring replication of the measures at the SC Detention Facilities would render provisional release impossible.¹⁰⁷

54. When deciding on whether a person should be released or detained, the Panel must consider alternative measures to prevent the risks in Article 41(6)(b) of the Law.¹⁰⁸ Article 41(12) of the Law sets out a number of options 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.¹⁰⁹ The Panel must therefore consider all reasonable alternative measures that could be imposed and not only those raised by the Selimi Defence or the SPO.¹¹⁰

55. At the outset, the Panel is not persuaded by the Selimi Defence's argument that in the last Detention Review Decision, the Panel implicitly accepted the possibility that a material change of circumstances may occur whereby measures alternative to detention "would be capable of mitigating the identified risk." The Panel stated that, at that time, none of the previously proposed conditions, nor any additional measures ordered *proprio motu* could sufficiently mitigate the existing risks.¹¹¹ The Panel has also found that the current stage of proceedings

¹⁰⁶ Reply, paras 11-13.

¹⁰⁷ Reply, para. 14.

¹⁰⁸ 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], no. 5826/03, [Judgment](#), 22 May 2022 ("*Idalov v. Russia* [GC]"), para. 140 in fine.

¹⁰⁹ 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.

¹¹⁰ First Appeals Decision on Selimi's Detention, para. 86.

¹¹¹ Detention Review Decision, para. 28.

does not warrant reversal of the Panel's earlier findings that, based on the relevant standard, there is a risk that Mr Selimi will obstruct the progress of SC proceedings or commit further crimes.¹¹²

56. Nevertheless, given that the Panel is bound to monitor and assess Mr Selimi's continued detention in light of new information and circumstances, the Panel will assess the proposed mitigating measures proposed by the Defence, including the information provided by the Kosovo Police, in light of the current stage of proceedings, namely the close of the SPO's case and the impending Rule 130 litigation.

57. The Panel observes that, in relation to the capacity of the Kosovo Police to [REDACTED], the response from the Kosovo Police [REDACTED].¹¹³ While the Kosovo Police provide examples of cases wherein they were tasked to [REDACTED],¹¹⁴ they make no reference to [REDACTED], despite being specifically asked by the Defence to provide information on this issue.¹¹⁵ Ultimately, the Panel is not satisfied that, based on the available information on the experience and capacity of the Kosovo Police, the proposed measures would be sufficient to address the issues arising when dealing [REDACTED], during periods of release longer than the brief periods of temporary release justified in cases of compelling humanitarian grounds.

58. As regards the proposed monitoring regime more generally,¹¹⁶ the Panel remains unpersuaded that the risks associated with the possible exchange of coded messages could adequately be addressed outside of the context of the SC Detention Facilities, especially with reference to the potential leak of confidential witness-related information. In this regard, the Panel is mindful, for example, that

¹¹² See above paras 40, 46, 47.

¹¹³ See Annex 2 to the Request, pp. 3-5.

¹¹⁴ Annex 2 to the Request, pp. 5, 6.

¹¹⁵ See Annex 2 to the Request, p. 3.

¹¹⁶ Request, paras 14-15. See also Annex 2 to the Request.

[REDACTED],¹¹⁷ [REDACTED]. In addition, the Panel recalls that the Kosovo Police, despite being fluent in Mr Selimi's native language and familiar with the general context in Kosovo, [REDACTED] in a manner that an official of the SC, such as the Chief Detention Officer, would have.¹¹⁸

59. Having considered all available information and the measures proposed by the Selimi Defence, and any other measures that the Panel could reasonably impose, the Panel considers that the risk of unmonitored forms of communications, such as written messages or in-person exchanges, could not be adequately addressed outside of the monitoring regime currently applied at the SC Detention Facilities.¹¹⁹ The Panel notes the Kosovo Police's willingness to [REDACTED],¹²⁰ and to [REDACTED].¹²¹ However, the Panel considers that prohibiting Mr Selimi from contacting witnesses, persons connected to the case or, for that matter, any person in Kosovo, can neither be enforced nor monitored outside of the SC Detention Facilities, regardless of whether such prohibition refers to in-person contacts or communication through electronic devices.¹²² In this regard, the Panel especially notes that the Kosovo Police have not undertaken to [REDACTED], and the Kosovo Police's assurances that [REDACTED].¹²³ The Panel is of the view that none of the proposed measures, nor any other measures which the Panel could reasonably impose, would be sufficient to adequately [REDACTED], especially considering the above findings as to the possible

¹¹⁷ F00802, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi* ("Fourth Detention Decision"), 13 May 2022, confidential, para. 54 (a public redacted version was filed on 24 May 2022, F00802/RED). See also IA021/F00005, Court of Appeals Panel, *Decision on Selimi Appeal Against "Decision on Periodic Review of Detention of Rexhep Selimi"* ("Fourth Appeals Decision on Selimi's Detention"), 29 July 2022, confidential, paras 21, 23 (a public redacted version was filed on 2 August 2022, IA021/F00005/RED).

¹¹⁸ Fourth Detention Decision, para. 54. See also Fourth Appeals Decision on Selimi's Detention, paras 21, 23.

¹¹⁹ See Fourth Detention Decision, para. 54. See also Fourth Appeals Decision on Selimi's Detention, paras 14, 16.

¹²⁰ Annex 2 to the Request, pp. 6-9.

¹²¹ See Annex 2 to the Request, p. 10.

¹²² First Detention Decision, para. 55.

¹²³ See Annex 2 to the Request, pp. 6-7, 10.

exchange of coded and in-person messages,¹²⁴ and in view of the significant differences between the monitoring regime at the SC Detention Facilities and the measures proposed for [REDACTED],¹²⁵ such as the fact that, [REDACTED].¹²⁶ In this regard, the Panel also recalls the Court of Appeals' finding that the [REDACTED] is not comparable to the limited, yet regular, visits Mr Selimi receives [REDACTED] at the SC Detention Facilities.¹²⁷ Moreover, the Panel recalls that, within the SC Detention Facilities, should the Registrar (or the Chief Detention Officer, acting on her behalf) be in possession of information that there is a credible risk of confidential information being disclosed, she has the authority to refuse visits, including private ones with family members, or impose proportionate and necessary measures to address such risk.¹²⁸

60. Therefore, in relation to the risk of obstructing the progress of SC proceedings and committing further crimes, the Panel finds that the proposed conditions, or any additional measures foreseen in Article 41(12) of the Law which the Panel could order *proprio motu*, are altogether insufficient to mitigate the existing risks at this stage in the proceedings.¹²⁹ The Panel is of the view that no additional information it would seek to obtain directly from the Kosovo Police would assist

¹²⁴ See above para. 58.

¹²⁵ Fourth Detention Decision, para. 54. See also Fourth Appeals Decision on Selimi's Detention, paras 14, 16.

¹²⁶ KSC-BD-09-Rev1, Registrar, *Registry Practice Direction on Detainees: Visits and Communications*, 23 September 2020, Article 13(2).

¹²⁷ IA015/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention* ("Third Appeals Decision on Selimi's Detention"), 25 March 2022, confidential, para. 37, footnote 90 (a public redacted version was issued on the same day, IA015/F00005/RED).

¹²⁸ 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 filed on the same day, F02115/RED).

¹²⁹ Third Detention Decision, para. 72; Third Appeals Decision on Selimi's Detention, paras 33-44, 48-52, 61; Fourth Detention Decision, para. 59; F00979, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi* ("Fifth Detention Decision"), 19 September 2022, confidential, para. 56 (a public redacted version was filed on 30 September 2022, F00979/RED); F01111, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi* ("Sixth Detention Decision"), 18 November 2022, confidential, para. 43 (a public redacted version was issued on the same day, F01111/RED).

on this matter, as the latter has been approached on multiple separate occasions by the Selimi Defence and the Pre-Trial Judge.¹³⁰ The Panel maintains that it is only through the communication monitoring framework applicable at the SC Detention Facilities that Mr Selimi's communications can be adequately restricted to that goal.¹³¹

61. In light of the foregoing, the Panel finds that Mr Selimi's continued detention in the SC Detention Facilities is necessary in order to avert the risks referred to in Article 41(6)(b)(ii) and (iii) of the Law.

D. REASONABLENESS OF THE DETENTION

62. The Selimi Defence submits that, given his uninterrupted detention of four years, Mr Selimi's provisional release would be conducive to his psychological well-being.¹³² The Selimi Defence further contends that the extended amount of time that an Accused has spent in provisional detention, and the prospective length of deliberations, militate in favour of provisional release.¹³³

63. The SPO submits that, when viewed in context, and given the specific nature of international criminal proceedings such as these, the length of the Accused's detention is not unreasonable or disproportionate.¹³⁴ The SPO underlines in this regard the complexity and the size of the case, which involves four accused, as well as the nature of the charges.¹³⁵

64. 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

¹³⁰ See *similarly* Third Detention Decision, para. 70; Third Appeals Decision on Selimi's Detention, paras 49-51.

¹³¹ Third Detention Decision, para. 61; Third Appeals Decision on Selimi's Detention, para. 42; Fourth Detention Decision, para. 59; Fifth Detention Decision, para. 56; Sixth Detention Decision, para. 42.

¹³² Request, para. 11.

¹³³ Request, para. 12.

¹³⁴ Response, paras 44, 45. See also SPO Submissions, paras 28-30.

¹³⁵ Response, para. 46. See also SPO Submissions, paras 28-30.

the time when the assessment is being made.¹³⁶ The Panel has previously considered that the special features in this case include: (i) Mr Selimi is charged with ten counts of serious international crimes in which he is alleged to have played a significant role;¹³⁷ (ii) if convicted, Mr Selimi could face a lengthy sentence; (iii) the risks under Article 41(6)(b)(ii) and (iii) cannot be mitigated by any proposed conditions and/or any other conditions;¹³⁸ (iv) the case against Mr Selimi is complex;¹³⁹ (v) the climate of witness intimidation outlined above; and (vi) the ongoing nature of trial proceedings.

65. In light of the above, as well as the fact that at the current stage of proceedings there are continuing risks of obstructing the proceedings and of committing further crimes, neither of which can be sufficiently mitigated by the application of reasonable alternative measures,¹⁴⁰ the Panel finds that Mr Selimi's detention for a further two months is necessary and reasonable in the specific circumstances of the case.

66. The Panel acknowledges that Mr Selimi has already been in detention for a significant period of time, and the trial in this case is lengthy. While the Panel is mindful of the serious consequences of prolonged detention on the psychological well-being of detainees,¹⁴¹ this does not affect its findings that there are continuing risks of obstructing the proceedings and of committing further crimes which cannot be sufficiently mitigated by the application of reasonable alternative measures.¹⁴² The Panel will continue to carefully monitor at every stage in these proceedings whether continued detention is necessary and reasonable.

¹³⁶ Seventh Detention Decision, para. 42, with further references.

¹³⁷ Confirmed Indictment, paras 7-9, 32, 39-40, 44-47, 49, 52, 55-57, 176-177.

¹³⁸ See *above* paras 60-61.

¹³⁹ Third Detention Decision, para. 79, with further references; Nineteenth Detention Decision, para. 31.

¹⁴⁰ See *above* paras 47, 61.

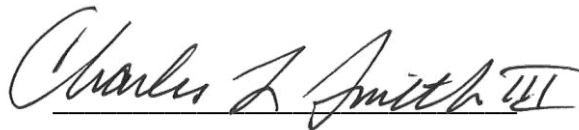
¹⁴¹ See Request, paras 11, 12.

¹⁴² See *above* paras 47, 61.

V. DISPOSITION

67. For the foregoing reasons, the Panel hereby:

- a) **DENIES** the Request;
- b) **ORDERS** Mr Selimi's continued detention; and
- c) **ORDERS** the SPO to file submissions on the next review of Mr Selimi's detention no later than **Thursday, 19 June 2025 (at 16:00 hours)**, with any response and reply following the timeline set out in Rule 76.



Judge Charles L. Smith, III

Presiding Judge

Dated this Tuesday, 13 May 2025

At The Hague, the Netherlands.

Explanatory Note:

In the *chapeau*, reference to subparagraph (10) of Article 41 of the Law has been added.

Typographical errors have been corrected in paragraphs 30, 36, 38, 49, and 51.