



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSC-BC-2023-12  
**The Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi**

**Before:** Pre-Trial Judge  
Judge Marjorie Masselot

**Registrar:** Fidelma Donlon

**Date:** 3 October 2025

**Language:** English

**Classification:** Public

---

**Fifth Decision on Review of Detention of Hashim Thaçi**

---

**Specialist Prosecutor**  
Kimberly P. West

**Specialist Counsel for Hashim Thaçi**  
Sophie Menegon  
Luka Mišetić

**Specialist Counsel for Bashkim Smakaj**  
Jonathan Rees  
Huw Bowden

**Specialist Counsel for Isni Kilaj**  
Iain Edwards  
Joe Holmes

**Specialist Counsel for Fadil Fazliu**  
David Young

**Specialist Counsel for Hajredin Kuçi**  
Alexander Admiraal

**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Article 41(6), (10) and (12) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 56(2) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues the following decision.

## I. PROCEDURAL BACKGROUND

1. On 5 December 2024, Hashim Thaçi ("Mr Thaçi" or "Accused"), already detained at the Detention Facilities of the Specialist Chambers ("SC") in the context of the proceedings in case of *The Specialist Prosecutor v. Hashim Thaçi et al.* ("Case 06"), was served with an arrest warrant, issued by the Pre-Trial Judge in the present proceedings,<sup>2</sup> *proprio motu* and further to the confirmation of an indictment against him, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi ("Confirmation Decision").<sup>3</sup>

---

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

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

<sup>3</sup> KSC-BC-2023-12, F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment*, 29 November 2024, confidential. A public redacted version was issued on 12 February 2025, [F00036/RED](#). On 14 April 2025, following a decision of the Court of Appeals Panel, the Pre-Trial Judge further confirmed *vis-à-vis* Mr Thaçi the mode of liability under Article 32(3) of the 2019 Kosovo Criminal Code, Law No. 06/L-074, with respect to the offence of obstructing official persons, under Counts 1, 2 and 3 of the indictment as confirmed on 5 December 2024 (see F00260, Pre-Trial Judge, [Decision Amending the "Decision on the Confirmation of the Indictment" and Setting a Date for the Submission of Preliminary Motions](#), 14 April 2025, public). On 16 April 2025, the Specialist Prosecutor's Office filed the amended confirmed indictment (see F00264/A02, Specialist Prosecutor, [Public Redacted Amended Confirmed Indictment](#) ("Amended Confirmed Indictment"), 16 April 2025, public).

2. On 8 December 2024,<sup>4</sup> 7 February 2025,<sup>5</sup> 7 April 2025,<sup>6</sup> 5 June 2025<sup>7</sup> and 5 August 2025 (“Fourth Review Decision”),<sup>8</sup> the Pre-Trial Judge ordered Mr Thaçi’s continued detention.

3. On 8 September 2025, the Specialist Prosecutor’s Office (“SPO”) made submissions on the periodic review of Mr Thaçi’s detention (“SPO Submissions”).<sup>9</sup>

4. The Defence for Mr Thaçi (“Thaçi Defence”) did not respond to the SPO Submissions.

## II. SUBMISSIONS

5. The SPO requests the Pre-Trial Judge to order Mr Thaçi’s continued detention, since no new factors or information have arisen that would undermine the findings of the Pre-Trial Judge in the Fourth Review Decision.<sup>10</sup>

6. More specifically, the SPO avers that Mr Thaçi’s continued detention remains necessary since all three risks under Article 41(6)(b) of the Law found by the Pre-Trial Judge with respect to Mr Thaçi remain present at this time.<sup>11</sup>

7. Further, according to the SPO, no potential conditions of release or assurance(s) provided by Mr Thaçi can appropriately mitigate those risks and said

---

<sup>4</sup> KSC-BC-2023-12, Transcript of Hearing, *Initial Appearance of Hashim Thaçi* (“Decision on Detention”), 8 December 2024, public, p. 18, lines 10-20.

<sup>5</sup> KSC-BC-2023-12, F00165, Pre-Trial Judge, [\*Decision on Review of Detention of Hashim Thaçi\*](#) (“First Review Decision”), 7 February 2025, public.

<sup>6</sup> KSC-BC-2023-12, F00250, Pre-Trial Judge, [\*Second Decision on Review of Detention of Hashim Thaçi\*](#) (“Second Review Decision”), 7 April 2025, public.

<sup>7</sup> KSC-BC-2023-12, F00325, Pre-Trial Judge, [\*Third Decision on Review of Detention of Hashim Thaçi\*](#) (“Third Review Decision”), 5 June 2025, public.

<sup>8</sup> KSC-BC-2023-12, F00405, Pre-Trial Judge, [\*Fourth Decision on Review of Detention of Hashim Thaçi\*](#), 5 August 2025, public.

<sup>9</sup> KSC-BC-2023-12, F00438, Specialist Prosecutor, *Prosecution Submissions on Review of Detention of Hashim Thaçi*, 8 September 2025, confidential. A public redacted version was filed on 11 September 2025, F00438/RED.

<sup>10</sup> SPO Submissions, paras 3-4, 7, 9.

<sup>11</sup> SPO Submissions, para. 5.

risks, whether considered individually or collectively, can only be effectively managed in the SC Detention Facilities.<sup>12</sup>

8. Lastly, the SPO submits that the limited further passage of time does not undermine the Pre-Trial Judge's conclusion in the Fourth Review Decision that Mr Thaçi's continued detention remains proportionate as: (i) Mr Thaçi is charged with eleven (11) counts of offences under Article 15(2) of the Law and, if convicted, faces a potentially lengthy sentence; and (ii) the continued expeditious progress of these proceedings militates in favour of Mr Thaçi's detention.<sup>13</sup> In this regard, the SPO submits that the most recent developments, since the Fourth Review Decision, buttress the Pre-Trial Judge's earlier finding that Mr Thaçi's continued detention is proportionate.<sup>14</sup> Particularly, the SPO points to: (i) the forthcoming filings of the Pre-Trial Brief, witness and exhibits list on 19 September 2025 and any Defence Pre-Trial Briefs on 20 October 2025, which will be followed by a swift transfer of the case to a Trial Panel; (ii) the continued progress in relation to important investigative steps; (iii) the filing of the SPO's fourth notice pursuant to Rule 102(3) of the Rules, and the continued disclosure of the requested material to the Defence teams of all Accused; (iv) the certified appeals arising from preliminary motions which have been briefed and are pending decisions by the Court of Appeals Panel; and (v) the search results from seized phones which have been and continue to be provided to the Accused on a rolling basis.<sup>15</sup> The SPO also adds that, through the ongoing disclosure process, Mr Thaçi continues to gain increased insight into the evidence against him.<sup>16</sup>

---

<sup>12</sup> SPO Submissions, para. 5.

<sup>13</sup> SPO Submissions, para. 6.

<sup>14</sup> SPO Submissions, para. 6.

<sup>15</sup> SPO Submissions, para. 6.

<sup>16</sup> SPO Submissions, para. 7.

### III. APPLICABLE LAW

9. Pursuant to Article 41(6) of the Law, the SC shall only order the arrest and detention of a person when (a) there is a grounded suspicion that he or she has committed a crime within the jurisdiction of the SC; and (b) there are articulable grounds to believe that the person: (i) is a risk of flight; (ii) will destroy, hide, change or forge evidence of a crime, or will obstruct the progress of the criminal proceedings by influencing witnesses, victims or accomplices; or (iii) will repeat the criminal offence, complete an attempted crime, or commit a crime that the person has threatened to commit.

10. Pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, until a judgment is final or until release, upon expiry of two (2) months from the last ruling on detention on remand, the Panel seized with the case shall examine whether reasons for detention on remand still exist, and render a ruling by which detention on remand is extended or terminated.

11. Pursuant to Article 41(12) of the Law, in addition to detention on remand, the following measures may be ordered by the SC to ensure the presence of the accused, including by video-conference, to prevent reoffending or to ensure successful conduct of criminal proceedings: summons, arrest, bail, house detention, promise not to leave residence, prohibition on approaching specific places or persons, attendance at police station or other venue, and diversion.

12. Pursuant to Rule 56(2) of the Rules, the Pre-Trial Judge shall ensure that a person is not detained for an unreasonable period prior to the opening of the case, and, in case of an undue delay caused by the Specialist Prosecutor, the Panel, having heard the Parties, may release the person under conditions as deemed appropriate.

#### IV. DISCUSSION

##### A. APPLICABLE STANDARD

13. The standard governing detention on remand has been laid out extensively in earlier decisions and is hereby incorporated by reference.<sup>17</sup> The Pre-Trial Judge will apply this standard to the present decision.

##### B. GROUNDED SUSPICION

14. The Pre-Trial Judge recalls that, in the Confirmation Decision, it was determined that, pursuant to Article 39(2) of the Law, there is a well-grounded suspicion that Mr Thaçi is criminally responsible for offences within the jurisdiction of the SC, namely violating the secrecy of proceedings, contempt of court and obstructing official persons in performing official duties within the meaning of Articles 392, 393, and 401 of the 2019 Kosovo Criminal Code, Code No. 06/L-074, in violation of Article 15(2) of the Law.<sup>18</sup> 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.<sup>19</sup> The Pre-Trial Judge notes that there have been no developments in the case negating these findings.

15. Therefore, in the absence of any contrary intervening information or developments, the Pre-Trial Judge finds that there continues to exist a grounded suspicion that Mr Thaçi has committed offences within the jurisdiction of the SC for the purposes of Article 41(6)(a) of the Law.<sup>20</sup>

---

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

<sup>18</sup> [Confirmation Decision](#), para. 313(a). See also *supra* footnote 3.

<sup>19</sup> See [Confirmation Decision](#), paras 42-43; and also [Decision on Arrest](#), para. 43. See similarly, KSC-BC-2020-04, F00224/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Review of Detention of Pjetër Shala](#), 22 June 2022, public, para. 24; and F00075/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Review of Detention of Pjetër Shala](#), 10 September 2021, public, para. 22.

<sup>20</sup> See similarly [Fourth Review Decision](#), para. 16; [Third Review Decision](#), para. 18; [Second Review Decision](#), paras 17-18. See also [First Review Decision](#), para. 7; Decision on Detention, p. 15, lines 1-7.

## C. NECESSITY OF DETENTION

### 1. Risk of Flight

16. As regards the risk of flight under Article 41(6)(b)(i) of the Law, the Pre-Trial Judge finds that all the considerations set out in the Fourth Review Decision are still relevant, namely: (i) the gravity of the offences with which Mr Thaçi is charged in the present proceedings and the potential sentence in the event of conviction; (ii) Mr Thaçi's *mala fide* intentions towards the laws and rules of the SC; and (iii) his means and opportunity to flee, despite his ongoing detention in the Case 06 proceedings.<sup>21</sup> In addition, the Pre-Trial Judge attaches weight to the fact that Mr Thaçi continues to gain increased insight into the evidence underpinning the charges against him through the ongoing disclosure process.<sup>22</sup>

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

### 2. Risk of Obstructing the Progress of SC Proceedings

18. As regards the risk of obstruction of the progress of proceedings under Article 41(6)(b)(ii) of the Law, the Pre-Trial Judge find that all the considerations set out in the Fourth Review Decision continue to apply, namely that: (i) Mr Thaçi coordinated with three distinct groups, of which he was the leader, to interfere with the testimony of SPO witnesses in the ongoing Case 06 trial, including by deliberately revealing and providing confidential information related to witnesses, and instructing others *to*, and *how to*, unlawfully influence the witnesses' testimonies; (ii) Mr Thaçi's actions and conduct are part of a broader pattern of efforts to interfere with the testimony of SPO witnesses in Case 06; (iii) Mr Thaçi's

---

<sup>21</sup> [Fourth Review Decision](#), para.17; [Third Review Decision](#), para. 19; [Second Review Decision](#), para. 23. *See also* Decision on Detention, p. 18, lines 16-24; [Decision on Arrest](#), paras 47-48.

<sup>22</sup> The Pre-Trial Judge notes that, since the [Fourth Review Decision](#), the SPO has made additional disclosures pursuant to Rule 102(1)(b) of the Rules. *See, for example*, Disclosure Packages Nos. 59, 61, 64, 68, 70, 71, 74, 76.



actions show persistence in furthering obstruction efforts in SC proceedings from within the SC Detention Facilities, including by leveraging his influence over former KLA affiliates loyal to him, and persons from his political circles, such as his co-Accused in the present proceedings; (iv) previous findings suggest that, in the past, Mr Thaçi attempted to undermine the SC, and, through his circles, offered benefits to persons who were summoned by the SPO to provide information to the SPO/SC; (v) Mr Thaçi is aware of the charges and evidence against him; and (vi) his increased awareness of the incriminating evidence against him provides him with an incentive to interfere with witnesses or obstruct the progress of the present proceedings.<sup>23</sup>

19. The Pre-Trial Judge also recalls that the risk of obstruction has not ceased to exist with the closure of the SPO's case in Case 06, as the proceedings remain ongoing, and: (i) a Trial Panel may, under exceptional circumstances, hear additional evidence after the closing of the case under Rule 136 of the Rules;<sup>24</sup> and (ii) witnesses who have already testified may be retaliated against or incentivised to recant.<sup>25</sup> The Pre-Trial Judge further recalls that the risk of obstruction is assessed not only in relation to the proceedings in Case 06, but also in relation to the present case.<sup>26</sup> In this respect, the Pre-Trial Judge notes that, since the Fourth Review Decision, the SPO has submitted its list of witnesses.<sup>27</sup> Having reviewed the profile

---

<sup>23</sup> [Fourth Review Decision](#), para. 19; [Third Review Decision](#), paras 21-22; [Second Review Decision](#), para. 28; [First Review Decision](#), paras 29-30; Decision on Detention, p. 12, line 15; [Decision on Arrest](#), para. 50.

<sup>24</sup> [Fourth Review Decision](#), para. 19; [Third Review Decision](#), para. 22.

<sup>25</sup> [Fourth Review Decision](#), para. 19; [Third Review Decision](#), para. 22. See KSC-BC-2023-12, IA004/F00005, Court of Appeals Panel, [Decision on Isni Kilaj's Appeal Against Third Decision on Review of Detention](#) ("Decision on Kilaj Appeal"), 1 September 2025, public, para. 74 and references therein. See also KSC-BC-2020-06, IA033/F00006, Court of Appeals Panel, [Decision on Rexhep Selimi's Appeal Against Consolidated Decision on Request for Provisional Release and on Review of Detention](#), 13 August 2025, public, para. 54; IA035/F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against Consolidated Decision on Request for Provisional Release and on Review of Detention](#), 13 August 2025, public, para. 34.

<sup>26</sup> [Fourth Review Decision](#), para. 19; [Third Review Decision](#), para. 22.

<sup>27</sup> See KSC-BC-2023-12, F00459/A03, Specialist Prosecutor, *Annex 3 to Prosecution Submission of Pre-Trial Brief, Witness and Exhibit Lists*, 19 September 2025, confidential (containing the SPO's List of



of the SPO witnesses contained therein, the Pre-Trial Judge is of the view that the risk of interference concerning said witnesses is low. This does not, however, invalidate her conclusion in the Fourth Review Decision that there continues to be a risk of obstruction, taking into account all the other factors considered therein.<sup>28</sup>

20. Lastly, the Pre-Trial Judge underlines that she still assesses the above considerations and factors taken together, bearing in mind the pervasive climate of fear and intimidation in Kosovo against witnesses and potential witnesses of the SC.<sup>29</sup> In this context, the Pre-Trial Judge considers that the risk of Mr Thaçi exerting pressure on witnesses remains particularly high,<sup>30</sup> especially in light of his ties, as referenced above.<sup>31</sup>

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

### **3. Risk of Committing Further Offences**

22. As regards the risk of committing further offences under Article 41(6)(b)(iii) of the Law, the Pre-Trial Judge recalls that, even though the existence of a risk of obstruction does not automatically translate into a risk of committing further offences, the factors underpinning the former are of relevance to the assessment of the latter in the present circumstances.<sup>32</sup> In this regard, the Pre-Trial Judge notes that the relevant factors to be considered are the same as those outlined in

---

Witnesses). The SPO re-filed the list following the submission of a corrected version of its Pre-Trial Brief (see F00467/A03, Specialist Prosecutor, *List of Witnesses*, 26 September 2025, confidential).

<sup>28</sup> [Fourth Review Decision](#), para. 27.

<sup>29</sup> [Fourth Review Decision](#), para. 20; [Third Review Decision](#), para. 23; [Second Review Decision](#), para. 30; [First Review Decision](#), para. 31; Decision on Detention, p. 18, lines 16-20; [Decision on Arrest](#), para. 51. *See also* Decision on Kilaj Appeal, para. 83.

<sup>30</sup> *See* [Fourth Review Decision](#); [Third Review Decision](#), para. 23; [Second Review Decision](#), para. 30 and references cited therein; [First Review Decision](#), para. 31.

<sup>31</sup> *See supra* para. 18.

<sup>32</sup> [Fourth Review Decision](#), para. 22; [Third Review Decision](#), para. 25; [Second Review Decision](#), para. 33; [First Review Decision](#), para. 33; Decision on Detention, p. 15, lines 3-7; [Decision on Arrest](#), para. 53.

paragraphs 18-20 above with respect to obstruction of proceedings. Upon a fresh examination of these factors, the Pre-Trial Judge remains persuaded that there still exists a risk that Mr Thaçi will repeat the offences he is alleged to have committed, including in relation to witnesses who have provided or may provide evidence in Case 06 and/or the present case.<sup>33</sup>

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

#### 4. Conclusion

24. In view of the foregoing, the Pre-Trial Judge finds that, to date, there are articulable grounds to believe that Mr Thaçi may flee, obstruct the progress of the SC proceedings, and commit further offences, thus necessitating Mr Thaçi's continued detention, in accordance with Article 41(6)(b) of the Law. The Pre-Trial Judge will assess below whether these risks can be adequately mitigated by any conditions for Mr Thaçi's release.

#### D. CONDITIONAL RELEASE

25. The Pre-Trial Judge remains of the view that no conditions could diminish, at this stage, the existing risks, in particular the risk that the Accused will obstruct the progress of SC proceedings or commit further offences.<sup>34</sup> Notably, the Pre-Trial Judge is of the view that any possible condition to be imposed: (i) does not address, for example, the possibility of Mr Thaçi using other persons, or employing communication devices belonging to other persons, or requesting other persons to use their devices for the purpose of unlawfully interfering with witnesses; and

---

<sup>33</sup> See also [Fourth Review Decision](#), para. 22; [Third Review Decision](#), para. 25; [Second Review Decision](#), para. 33; [First Review Decision](#), para. 34; Decision on Detention, p. 18, lines 16-20; [Decision on Arrest](#), para. 54.

<sup>34</sup> [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 28; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38; see KSC-BC-2020-06, IA017/F00011/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#), 5 April 2022, public, para. 51.

(ii) cannot ensure the effective monitoring of Mr Thaçi's communications. The Pre-Trial Judge is also particularly mindful that, despite any conditions (if released), the Accused would have the ability, motive and opportunity to persist in furthering the obstruction of SC proceedings.<sup>35</sup>

26. Furthermore, in the view of the Pre-Trial Judge, while the risk of illicit messages and instructions cannot be entirely eliminated, the measures in place at the SC Detention Facilities, viewed as a whole, provide robust assurances against unmonitored visits and communications with family members and pre-approved visitors with a view to minimising the risks of obstruction and commission of further crimes, as much as possible.<sup>36</sup> In this regard, the Pre-Trial Judge recalls that the Registrar and the Panel, who have unrestricted access to confidential information concerning witnesses and victims, may take action more promptly than other authorities acting under a distinct framework.<sup>37</sup>

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

#### E. PROPORTIONALITY OF DETENTION

28. The Pre-Trial Judge recalls that: (i) Mr Thaçi has been detained since 5 December 2024 in the context of these proceedings;<sup>38</sup> (ii) he is charged with three (3) counts of attempting to obstruct official persons in performing official duties, four (4) counts of violating the secrecy of proceedings and four (4) counts of

---

<sup>35</sup> [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 28; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38.

<sup>36</sup> [Fourth Review Decision](#), para. 26; [Third Review Decision](#), para. 29; [Second Review Decision](#), para. 38; [First Review Decision](#), para. 39. Similarly, KSC-BC-2020-06, IA010/F00008/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#), 27 October 2021, public, para. 68.

<sup>37</sup> [Fourth Review Decision](#), para. 26; [Third Review Decision](#), para. 29; [Second Review Decision](#), para. 38; [First Review Decision](#), para. 39. See similarly KSC-BC-2023-10, F00165, Pre-Trial Judge, [Public Redacted Version of Decision on Review of Detention of Haxhi Shala](#), 9 February 2024, public, para. 54.

<sup>38</sup> See *supra* para. 1.

contempt of court, which carry a possible sentence of up to five (5) years, three (3) years and six (6) months, respectively;<sup>39</sup> and (iii) the risks under Article 41(6)(b) of the Law (in particular, the risk of obstruction and commission of further offences) cannot be mitigated by any proposed or additional conditions for release.<sup>40</sup>

29. The Pre-Trial Judge also takes into consideration that, since the Fourth Review Decision: (i) the SPO has filed its Pre-Trial Brief, list of exhibits and witnesses on 19 September 2025;<sup>41</sup> (ii) the SPO has further disclosed evidence in its possession pursuant to Rules 102(1)(b) of the Rules<sup>42</sup> and 103 of the Rules;<sup>43</sup> (iii) the SPO has filed its fourth notice pursuant to Rule 102(3) of the Rules<sup>44</sup> and disclosed a number of items, as requested by the Defence;<sup>45</sup> (iv) the SPO has provided the Pre-Trial Judge with the points of agreement on matters of fact, as envisaged by Rule 95(3) of the Rules;<sup>46</sup> (v) remaining SPO investigative steps are progressing steadily<sup>47</sup> and

---

<sup>39</sup> Amended Confirmed Indictment, para. 45.

<sup>40</sup> See *supra* para. 27.

<sup>41</sup> KSC-BC-2023-12, F00459, Specialist Prosecutor, *Prosecution Submission of Pre-Trial Brief, Witness and Exhibit Lists*, 19 September 2025, public, with Annexes 1-5, confidential. A corrected version was filed on 26 September 2025 (see F00467, Specialist Prosecutor, *Prosecution Submission of Corrected Pre-Trial Brief*, 26 September 2025, public, with Annexes 1-5, confidential).

<sup>42</sup> See Disclosure Packages Nos. 59, 61, 64, 68, 70, 71, 74, 76. See also KSC-BC-2023-12, F00420, Specialist Prosecutor, *Prosecution Submissions pursuant to Order F00395 ("SPO Progress Submissions")*, 25 August 2025, confidential, paras 2, 3. A public redacted version was filed on 5 September 2025, F00420/RED. The Pre-Trial Judge also notes that the pending request for further disclosure pursuant to Rule 102(1)(b) of the Rules (see KSC-BC-2023-12, F00458, Specialist Prosecutor, *Prosecution Request for Rule 102(1)(b) Disclosure*, 19 September 2025, confidential, and F00462, Specialist Prosecutor, *Clarification to 'Prosecution Request for Rule 102(1)(b) Disclosure'*, F00458, 23 September 2025, confidential).

<sup>43</sup> See Disclosure Package No. 60.

<sup>44</sup> See KSC-BC-2023-12, F00417, Specialist Prosecutor, *Prosecution's Fourth Rule 102(3) Notice*, 18 August 2025, public, with Annex 1, confidential.

<sup>45</sup> See Disclosure Packages Nos 58, 62, 63, 65, 66, 69, 75. See also SPO Progress Submissions, paras 17, 19.

<sup>46</sup> KSC-BC-2023-12, F00469, Specialist Prosecutor, *Notification of Agreed Facts*, 29 September 2025, public, with Annex 1, confidential.

<sup>47</sup> See KSC-BC-2023-12, F00407, Pre-Trial Judge, *Decision on SPO Request for an Order (F00361) and Further Modalities for Independent Counsel Review*, 5 August 2025, confidential; F00431, Pre-Trial Judge, *Decision on the Continuation of Stage 2 of the Mechanism to Review Preserved Material and Related Matters*, 29 August 2025, confidential, with Annex 1, confidential; F00432, Independent Counsel, *Independent Counsel Provision of Preliminary Results*, 1 September 2025, confidential, with Annex 1, confidential, and Annexes 2-5, strictly confidential and *ex parte*; F00433, Registry, *Registrar's Filing of 130 Responsive Files Resulting from Search Queries 2 and 3, Pursuant to Decision F00431, and Request for*

further disclosure of material is anticipated following completion of these steps;<sup>48</sup> (vi) the Pre-Trial Judge has invited the Defence to submit their Pre-Trial Briefs and to notify the SPO of their intent to invoke any grounds excluding criminal responsibility by 20 October 2025;<sup>49</sup> and (vii) the Pre-Trial Judge has informed the Parties that she intends to transmit the case to a Trial Panel in the first half of November 2025, in the event the decisions of the Court of Appeals Panel on the pending appeals relating to pre-trial motions, allow for such transfer.<sup>50</sup> Thus, in the view of the Pre-Trial Judge, the proceedings continue to move forward expeditiously, edging the case closer to its imminent transmission to a Trial Panel.

30. The Pre-Trial Judge has duly considered the additional time Mr Thaçi has spent in detention since the Fourth Review Decision, but finds that – when weighed against the remaining factors set out in paragraphs 28-29 above – his detention remains proportionate.

31. Moreover, pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, Mr Thaçi's detention will be regularly reviewed upon the expiry of two (2) months from the last ruling on detention or at any time upon request, or *proprio motu*, where a change in circumstance since the last review has occurred.

---

*Extension of Time Limit for Production of Forensic Firm Report on Interpretation of Metadata*, 3 September 2025, confidential, with Annexes 1-2, confidential; F00434, Independent Counsel, *Independent Counsel Transmission of Redacted Responsive Files Pursuant to Decision F00431*, 5 September 2025, confidential, with Annexes 1-11, confidential; F00437, Pre-Trial Judge, *Decision on Prosecution Request for EFC Follow-up and Registry Information*, 8 September 2025, confidential; F00442, Pre-Trial Judge, *Decision on Request for Extension of Time for the Production of Forensic Firm Report on Interpretation of Metadata*, 9 September 2025, confidential; F00471, Registrar, *Submission of Forensic Firm Report Pursuant to Decision F00431*, 30 September 2025, confidential, with Annex 1, confidential; F00472, Registrar, *Registrar's Third Monthly Report Pursuant to F00350*, 30 September 2025, confidential.

<sup>48</sup> See KSC-BC-2023-12, F00368, Pre-Trial Judge, *Decision on Prosecution Request for Access to Material and Related Matters*, 9 July 2025, confidential, paras 53, 57(i), with Annex 1, confidential.

<sup>49</sup> KSC-BC-2023-12, F00453, Pre-Trial Judge, [Decision on the Remaining Calendar of the Pre-Trial Proceedings](#) ("Pre-Trial Calendar Decision"), 16 September 2025, public, paras 17-18.

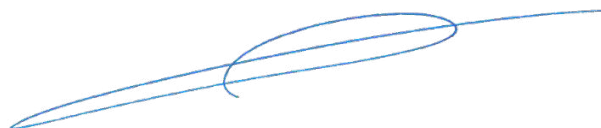
<sup>50</sup> Pre-Trial Calendar Decision, para. 23.

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

V. DISPOSITION

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

- a. **ORDERS** Mr Thaçi's continued detention;
- b. **ORDERS** Mr Thaçi, if he so wishes, to file submissions on the next review of detention by **Tuesday, 11 November 2025, at 16h00**, with response and reply following the timeline set out in Rule 76 of the Rules; and
- c. **ORDERS** the SPO, should Mr Thaçi decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Thaçi's detention by **Tuesday, 18 November 2025, at 16h00**, and Mr Thaçi, if he so wishes, to file his response by **Tuesday, 25 November 2025, at 16h00**; and
- d. **ORDERS** the Registry to reclassify the SPO Submissions (F00438) as public.



---

**Judge Marjorie Masselot**  
**Pre-Trial Judge**

Dated this Friday, 3 October 2025

At The Hague, the Netherlands.