



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:** 3 September 2025

**Language:** English

**Classification:** Public

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**Public Redacted Version of Decision on Second Prosecution Request to Modify  
Detention Conditions**

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**TRIAL PANEL II** (“Panel”), pursuant to Articles 3(2), 21, 23(1) and 40(2) and (6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 56(6), 57(2), 80(1) and 116(4)(d) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 1 December 2023, following a request by the Specialist Prosecutor’s Office (“SPO”),<sup>1</sup> the Panel modified the conditions of detention for Hashim Thaçi (“Mr Thaçi”), Kadri Veseli and Rexhep Selimi (“Mr Selimi”) (collectively “Three Accused”) (“Modified Detention Conditions”) (“Decision Modifying the Detention Conditions”).<sup>2</sup>
2. On 9 February 2024, the Panel issued a decision providing guidance pursuant to the Decision Modifying the Detention Conditions.<sup>3</sup>
3. On 20 May 2025, the SPO requested that the Panel modify the detention conditions for Mr Thaçi (“Request”).<sup>4</sup>
4. On 30 May 2025, the Defence for Mr Thaçi (“Thaçi Defence”) responded to the Request (“Response”).<sup>5</sup>

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<sup>1</sup> F01933, Specialist Prosecutor, *Prosecution Urgent Request for Modification of Detention Conditions* (“Prosecution Request for Modification of Detention Conditions”), 17 November 2023, confidential, with Annexes 1-5, confidential (a public redacted version was filed on 22 November 2023, F01933/RED).

<sup>2</sup> 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.

<sup>3</sup> 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 (a public redacted version was issued on the same day, F02115/RED).

<sup>4</sup> F03187, Specialist Prosecutor, *Prosecution Request to Modify Detention Conditions*, 20 May 2025, confidential, with one Annex, confidential.

<sup>5</sup> F03219, Specialist Counsel, *Thaçi Defence Response to Prosecution Request to Modify Detention Conditions*, 30 May 2025, confidential.

5. On 4 July 2025, after hearing submissions from the Parties and participants,<sup>6</sup> the Panel issued a decision reviewing the Modified Detention Conditions (“Decision Reviewing the Decision Modifying the Detention Conditions”).<sup>7</sup>

6. On 29 August 2025, following instructions from the Panel,<sup>8</sup> the Registry filed submissions in respect of the Request (“Registry Submissions”).<sup>9</sup>

## II. SUBMISSIONS

7. The SPO requests that the Panel impose certain restrictions on Mr Thaçi’s non-privileged visits at the Specialist Chambers’ (“SC”) detention facilities (“Detention Facilities”).<sup>10</sup> Specifically, the SPO requests that: (i) the individuals identified in Annex 1 (“Visitors of Concern”) be prohibited from visiting Mr Thaçi at the Detention Facilities for the remainder of these proceedings and the proceedings in KSC-BC-2023-12 (“Case 12”); and (ii) any discussions related to this case and Case 12 during non-privileged visits be prohibited.<sup>11</sup> The SPO

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<sup>6</sup> F02785, Specialist Counsel, *Selimi Defence Request to the Trial Panel to Amend Decision F01977*, 13 December 2024, with Annexes 1-2, confidential; F02846, Specialist Counsel, *Veseli Defence Submissions Pursuant to the Panel’s Order on Review of Detention Conditions*, 22 January 2025; F02896, Specialist Prosecutor, *Prosecution Consolidated Response to F02785 and F02846*, 3 February 2025; F02897, Registrar, *Registrar’s Submissions Pursuant to Order F02805*, 3 February 2025; F02914, Specialist Counsel, *Veseli Defence Reply to F02896 and Related Request*, 10 February 2025; F02917, Specialist Counsel, *Selimi Defence Reply to Prosecution Consolidated Response to F02785 and F02846*, 10 February 2025; F03033, Victims’ Counsel, *Victims’ Counsel’s Submissions Concerning the Specialist Prosecutor’s Observations in F02896*, 18 March 2025; F03044, Specialist Counsel, *Selimi Defence Response to Victims’ Counsel’s Submissions Regarding Detention Facilities Conditions*, 20 March 2025; F03048, Specialist Counsel, *Veseli Defence Response to Victims’ Counsel’s Submissions Concerning the Specialist Prosecutor’s Observations in F02896*, 21 March 2025; F03051, Victims’ Counsel, *Victims’ Counsel’s Reply to the Veseli Defence Response to Victims’ Counsel’s Submissions Concerning the Specialist Prosecutor’s Observations in F02896*, 24 March 2025.

<sup>7</sup> F03308, Panel, *Decision Reviewing the Conditions of Detention Modified in F01977*, 4 July 2025, confidential.

<sup>8</sup> CRSPD870, Panel, *Email from Panel Instructing the Registry to File a Consolidated List of Mr Thaçi’s Visits from the Implementation of F01977*, 27 August 2025, confidential.

<sup>9</sup> F03428, Registry, *Registry Submission of List of Thaçi’s Visits with “Concerned Visitors” (F03187-A01)*, 29 August 2025, confidential and *ex parte*.

<sup>10</sup> Request, paras 1, 16.

<sup>11</sup> Request, paras 2-3, 16.

submits that the requested restrictions are limited in scope, and necessary and proportionate to safeguard against any further attempts of Mr Thaçi to obstruct SC proceedings.<sup>12</sup>

8. The Thaçi Defence responds that the Request should be dismissed.<sup>13</sup> The Thaçi Defence contends that the Request constitutes a request for reconsideration of the Decision Modifying the Detention Conditions since the Request simply offers the same information that was before the Panel in November 2023.<sup>14</sup> Further, the Thaçi Defence argues that the measures sought are unnecessary, disproportionate and would infringe upon Mr Thaçi's fundamental rights to private and family life under Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR") and to have adequate time and facilities for the preparation of his defence.<sup>15</sup>

9. The Registry submits a consolidated list of in-person and video visits between Mr Thaçi and the Visitors of Concern, indicating all individuals present at those meetings, from the date of implementation of the Decision Modifying the Detention Conditions to the date of the filing of the Registry Submissions.<sup>16</sup>

### III. APPLICABLE LAW

10. Pursuant to Article 3(2), the SC shall adjudicate and function in accordance with the Constitution of the Republic of Kosovo ("Constitution") and international human rights law, including the ECHR. Article 8 of the ECHR protects the right to respect for private and family life.

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<sup>12</sup> Request, paras 1, 16.

<sup>13</sup> Response, paras 2, 38, 40.

<sup>14</sup> Response, paras 2, 12-21.

<sup>15</sup> Response, paras 2, 10-11, 22-37.

<sup>16</sup> Registry Submissions, para. 1.

11. Pursuant to Article 23(1) and Rule 80(1), the SC shall provide for the protection of victims and witnesses, including their safety, physical and psychological well-being, dignity and privacy.

12. Pursuant to Article 40(2) and (6) and Rule 116, the Panel shall take all necessary measures, on an ongoing basis, as are necessary to facilitate the fair and expeditious conduct of the trial proceedings and to protect the Accused, witnesses and victims.

13. Pursuant to Rules 56, 57(2) and 116(4)(d), the Panel may rule on conditions of detention and related matters for the purpose of protecting witnesses or victims, confidential information or the integrity of the proceedings, including on the imposition of necessary and proportionate restrictions on the communications of a detained person. Pursuant to Article 1(3) of the Practice Direction on Visits and Communications, the rules therein do not affect, and are subject to, any order or decision of the Panel under Rule 56.

14. The Parties and participants are under a general obligation not to disclose to third parties any confidential documents or information linked to the proceedings.<sup>17</sup> In particular, a Party or participant shall not disclose the identity of a protected witness to any third party. It may only do so in the exceptional circumstance where such disclosure is directly and specifically necessary for the preparation and presentation of its case,<sup>18</sup> and even in such case shall not reveal to third parties that any protected witness is involved with the activities of the SC/SPO or the nature of such involvement.<sup>19</sup>

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<sup>17</sup> See generally F00854, Pre-Trial Judge, *Decision on Framework for Handling Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or of a Participant* ("Framework Decision on Handling Confidential Information"), 24 June 2022, para. 212(I)(a).

<sup>18</sup> Framework Decision on Handling Confidential Information, para. 212(I)(e).

<sup>19</sup> Framework Decision on Handling Confidential Information, para. 212(I)(f).

#### IV. DISCUSSION

##### A. REQUEST FOR RECONSIDERATION

15. The Thaçi Defence argues that the Request constitutes a request for reconsideration of the Decision Modifying the Detention Conditions since the Request is seeking an amendment of that decision without raising any new claims or circumstances that would warrant an amendment.<sup>20</sup>

16. The SPO made no submissions in respect of whether the Request constitutes a request for reconsideration.<sup>21</sup>

17. The Panel rejects the Thaçi Defence's argument that the Request constitutes a request for reconsideration. The specific request for relief now made by the SPO was not raised before the Panel in connection with the Decision Modifying the Detention Conditions. Rather, in the context of that decision, the SPO requested that no non-privileged in-person visits be permitted.<sup>22</sup> The Panel rejected this request and instead ordered that a set of Modified Detention Conditions be implemented.<sup>23</sup> In addition, the Panel recalls that it has to ensure, at all times, that conditions of detention are necessary and proportionate<sup>24</sup> and, therefore, can decide to amend conditions without the decision constituting a reconsideration of an earlier decision. The Panel accordingly finds that the Request does not constitute a request for reconsideration of the Decision Modifying the Detention Conditions.

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<sup>20</sup> Response, para. 14.

<sup>21</sup> See Request.

<sup>22</sup> Prosecution Request for Modification of Detention Conditions, para. 2(d).

<sup>23</sup> Decision Modifying the Detention Conditions, paras 50-53.

<sup>24</sup> Decision Reviewing the Decision Modifying the Detention Conditions, para. 33.

## B. CONTEXT OF THIS DECISION

18. The Panel notes that it has previously determined that a general climate of witness interference persists in Kosovo regarding this case and others before the SC.<sup>25</sup> The Court of Appeals has confirmed that contextual factors may be relevant when assessing detention.<sup>26</sup> The Panel also notes that Mr Thaçi has received confidential information concerning all SPO witnesses.<sup>27</sup> The Panel has previously found that these disclosures amplify the risk of sensitive information pertaining to witnesses becoming known to members of the public.<sup>28</sup> The Panel notes that, despite all efforts undertaken to protect witnesses, witnesses in this case have complained of attempted or actual interference and the names of protected witnesses have been disclosed to the public.<sup>29</sup> As set out in the Decision Modifying the Detention Conditions, the Panel will take all necessary measures compatible with the rights of the Accused to ensure that such cases do not re-occur and that all necessary steps are taken to reduce such a risk.<sup>30</sup>

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<sup>25</sup> See e.g., F03253, Panel, *Decision on Periodic Review of Detention of Hashim Thaçi* ("Thaçi Detention Review"), 11 June 2025, para. 27; KSC-BC-2020-05, F00494/RED, Trial Panel I, [Public Redacted Version of Trial Judgment](#), 16 December 2022, para. 57 (a corrected version was filed on 8 June 2023, F00494/RED3/COR).

<sup>26</sup> IA017/F00011, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention*, 5 April 2022, confidential, para. 43 (a public redacted version was issued on the same date, IA017/F00011/RED).

<sup>27</sup> F01594/A02, Specialist Prosecutor, *Annex 2 to Prosecution Submission of Updated Witness List and Confidential Lesser Redacted Version of Pre-Trial Brief*, 9 June 2023, confidential; F02960, Panel, *Decision on the SPO Request for Variation of Protective Measures*, 24 February 2025, strictly confidential and *ex parte*, para. 13(b) (a confidential redacted version was issued on 5 March 2025, F02960/CONF/RED); F02998, Panel, *Decision on the SPO Request to Vary Protective Measures of W04363*, 11 March 2025, strictly confidential and *ex parte*, para. 20(b) (a confidential redacted version was issued on the same day, F02998/CONF/RED).

<sup>28</sup> Thaçi Detention Review, para. 25.

<sup>29</sup> See e.g., [REDACTED].

<sup>30</sup> Decision Modifying the Detention Conditions, para. 31.



19. The Panel further notes that Mr Thaçi has received information concerning dual status victims-witnesses,<sup>31</sup> and Victims' Counsel's list of witnesses,<sup>32</sup> and recalls that it held that these disclosures amplify the risk of confidential information pertaining to victims becoming known to the members of the public.<sup>33</sup>

20. The Panel has previously determined that Mr Thaçi has: (i) the interest and ability to interfere with the proceedings; (ii) attempted to undermine the SC and offered benefits to persons summoned by the SPO; (iii) positions of influence in Kosovo which could allow them to elicit the support of sympathisers; and (iv) given the ongoing trial, increased knowledge of the evidence underpinning the serious charges against them.<sup>34</sup>

### C. ALLEGED VIOLATIONS AND RISKS PRESENTED

21. The Panel recalls that it has already considered several transcripts from the Detention Facilities, involving some of the individuals mentioned in the Annex to the Request. Specifically, the Panel has considered transcripts from the Detention Facilities dated [REDACTED] and [REDACTED] and, in respect of these transcripts, found that it appears that Mr Thaçi: (i) disclosed, to his visitors, confidential information received in the context of the proceedings or elicited

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<sup>31</sup> F01348, Panel, *Order on the Disclosure of Application Forms Pertaining to Dual Status Witnesses*, 6 March 2023, para. 30, with Annexes 1-3, strictly confidential and *ex part*; F01587, Panel, *Notification of Application Forms of Dual Status Witnesses to the Defence Pursuant to F01348*, 8 June 2023, confidential, with Annexes 1-3, confidential; F01676, Panel, *Notification of Application Forms of Dual Status Witnesses to the Defence Pursuant to F01348*, 13 July 2023, confidential, with Annexes 1-59, confidential; F02052, Panel, *Notification of Application Form of Dual Status Witness W04016 to the Defence Pursuant to F01348*, 10 January 2024, confidential, with one Annex, confidential; F02332, Panel, *Notification of Application Forms of Dual Status Witnesses to the Defence Pursuant to F01348*, 22 May 2024, confidential, with Annexes 1-10, confidential (a public redacted version was issued on the same day, F02332/RED); F03089, Panel, *Notification of Application Forms of Dual Status Witnesses to the Defence Pursuant to F01348*, 7 April 2025, confidential, with Annexes 1-2, confidential.

<sup>32</sup> F03209/A01, Victims' Counsel, *Annex 1 to Victims' Counsel's Submission of Witness and Exhibit Lists and Related Requests*, 28 May 2025, confidential.

<sup>33</sup> Decision Reviewing the Decision Modifying the Detention Conditions, para. 41.

<sup>34</sup> Thaçi Detention Review, para. 23.



during testimony of protected witnesses;<sup>35</sup> and (ii) provided his visitors with instructions to pass on to the witness regarding the form and content of the witness's upcoming testimony.<sup>36</sup> [REDACTED], [REDACTED], [REDACTED], and [REDACTED], amongst others, attended these visits to Mr Thaçi in the Detention Facilities.

22. In addition, the Panel also recalls that Mr Thaçi has been charged with certain offences in respect of the conduct outlined in some of the transcripts from the Detention Facilities included in the Annex to the Request. Specifically, the Panel notes that Mr Thaçi's non-privileged in-person visits on 9 September 2023 and 6-7 October 2023 are referenced in the indictment in Case 12.<sup>37</sup> [REDACTED], [REDACTED], [REDACTED], and [REDACTED], amongst others, attended these visits to Mr Thaçi in the Detention Facilities.

23. The Panel has reviewed the remaining transcripts from the Detention Facilities provided in the Annex to the Request and, where relevant, transcripts of trial proceedings during which the relevant protected witnesses gave testimony in closed session.

24. The Panel considers that it appears that Mr Thaçi provided certain visitors with instructions to pass on to witnesses regarding the form and content of their testimony during non-privileged in-person visits on [REDACTED],<sup>38</sup> [REDACTED],<sup>39</sup> [REDACTED]<sup>40</sup> and [REDACTED],<sup>41</sup> and [REDACTED].<sup>42</sup> [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],

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<sup>35</sup> Decision Modifying the Detention Conditions, para. 35 (with further references).

<sup>36</sup> Decision Modifying the Detention Conditions, para. 38 (with further references).

<sup>37</sup> KSC-BC-2023-12, F00264/A02, Specialist Prosecutor, [Annex 2 to Submission of Amended Confirmed Indictment](#), 16 April 2025, paras 16-20, 24, 29(ii).

<sup>38</sup> [REDACTED].

<sup>39</sup> [REDACTED]. [REDACTED]; *See* Request, fn. 21; Annex to the Request.

<sup>40</sup> [REDACTED].

<sup>41</sup> [REDACTED].

<sup>42</sup> [REDACTED].

[REDACTED], [REDACTED], and [REDACTED], amongst others, attended these visits to Mr Thaçi in the Detention Facilities.

25. [REDACTED] is an SPO witness for whom in-court protective measures were granted.<sup>43</sup> On [REDACTED], the witness's name was disclosed during a non-privileged in-person visit to Mr Thaçi at the Detention Facilities between, amongst others, the Accused and [REDACTED] and [REDACTED].<sup>44</sup> The transcript identifies the person disclosing this information as Mr Thaçi.<sup>45</sup>

26. [REDACTED] is an SPO witness for whom in-court protective measures were granted.<sup>46</sup> On [REDACTED], details about the witness or the witness's testimony, including that "[REDACTED]" and "[REDACTED]", was disclosed during a non-privileged in-person visit to Mr Thaçi at the Detention Facilities between, amongst others, the Accused and [REDACTED], [REDACTED], and [REDACTED].<sup>47</sup> The transcript identifies the person disclosing this information as Mr Thaçi.<sup>48</sup>

27. In light of the above, the Panel considers that it appears as if the individuals referred to in the transcripts listed in the Annex to the Request attended non-privileged in-person visits with Mr Thaçi where: (i) confidential information received in the context of the proceedings, or elicited during testimony of protected witnesses, was shared with visitors; and/or (ii) instructions to be passed on to witnesses about the form and content of their testimonies was discussed.

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<sup>43</sup> F00438, Pre-Trial Judge, *Eighth Decision on Specialist Prosecutor's Request for Protective Measures*, 24 August 2021, strictly confidential and *ex parte*, para. 93(m) (a confidential redacted version was issued on the same day, F00438/CONF/RED).

<sup>44</sup> [REDACTED].

<sup>45</sup> [REDACTED].

<sup>46</sup> F00133/COR, Pre-Trial Judge, *Corrected Version of First Decision on Specialist Prosecutor's Request for Protective Measures*, 10 December 2020, para. 132(q) (a confidential redacted version was issued on 14 December 2020, F00133/COR/CONF/RED).

<sup>47</sup> Compare [REDACTED]; [REDACTED].

<sup>48</sup> [REDACTED].

#### D. CONDITIONS OF DETENTION

##### **1. Request That Visitors of Concern be Prohibited from Visiting Mr Thaçi**

28. The SPO requests that the Visitors of Concern be prohibited from visiting Mr Thaçi in the Detention Facilities<sup>49</sup> for the remainder of these proceedings and the proceedings in Case 12.<sup>50</sup> The SPO contends that the additional measures are: (i) necessary to prevent further criminal acts of obstruction by Mr Thaçi, which corresponds to one of the legitimate aims listed under Article 8(2) of the ECHR;<sup>51</sup> and (ii) proportionate since the risk that Mr Thaçi will convey illicit messages and instructions during non-privileged in-person visits can never be eliminated; this risk is exemplified by Mr Thaçi participating in the call of another detainee in contravention of the Modified Detention Conditions.<sup>52</sup>

29. The Thaçi Defence responds that the requested measures are not necessary or proportionate as the measures imposed by the Panel sufficiently mitigate any perceived risks of obstruction while respecting Mr Thaçi's rights.<sup>53</sup> The Thaçi Defence adds that only five of the Visitors of Concern, three which are Mr Thaçi's brothers, have visited Mr Thaçi since the Decision Modifying the Detention Conditions and the SPO neither alleges, nor demonstrates, that they have infringed the Modified Detention Conditions.<sup>54</sup>

30. The Panel recalls that it has previously set out the legal principles applicable to the present matter in the Decision Modifying the Detention Conditions.<sup>55</sup>

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<sup>49</sup> The Panel notes that the SPO uses both the terms "non-privileged visits at the Detention Centre", indicating non-privileged in-persons visits only, and "non-privileged visits", indicating any non-privileged visits, including video visits.

<sup>50</sup> Request, paras 2, 13, 16.

<sup>51</sup> Request, paras 4-8.

<sup>52</sup> Request, para. 12.

<sup>53</sup> Response, paras 22-24.

<sup>54</sup> Response, para. 15.

<sup>55</sup> Decision Modifying the Detention Conditions, paras 45-48.

31. The Panel further recalls that, in the Decision Modifying the Detention Conditions, it modified the conditions of detention for, *inter alios*, Mr Thaçi and authorised certain further measures be implemented in the Detention Facilities.<sup>56</sup> In addition, in the Decision Reviewing the Decision Modifying the Detention Conditions, the Panel amended some of the Modified Detention Conditions<sup>57</sup> and confirmed the continued application of the remaining Modified Detention Conditions.<sup>58</sup>

32. Regarding non-privileged in-person visits, the Panel recalls that it ordered that: (i) non-privileged in-person visits for the Three Accused should be subject to prior approval by the Registrar;<sup>59</sup> (ii) a system be put in place which focuses on identifying and excluding only those individuals who could pose a threat to the integrity of the proceedings or engage in conduct incompatible with regulation of the Detention Management Unit;<sup>60</sup> and (iii) the Registrar should refuse in-person visits if she determines that there are credible indications that the individual concerned has engaged or could engage in conduct incompatible with the integrity of proceedings and/or the regulations of detention.<sup>61</sup>

33. Regarding video and telephone visits, the Panel recalls that it, *inter alia*, ordered that: (i) video visits and telephone calls and communications with the Three Accused shall require prior approval by the Registrar who was directed to ensure that the would-be interlocutor has not engaged in conduct incompatible with the integrity of the proceedings or the protection of confidential information, applying the same methods and oversight provided in the context of in-person visits;<sup>62</sup> and (ii) the Registry is to engage in active monitoring (of which the

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<sup>56</sup> Decision Modifying the Detention Conditions, paras 50-59, 62-64, 66-69.

<sup>57</sup> Decision Reviewing the Decision Modifying the Detention Conditions, paras 71-72, 91-92, 113(b).

<sup>58</sup> Decision Reviewing the Decision Modifying the Detention Conditions, paras 62-68, 74-88, 94-105.

<sup>59</sup> Decision Modifying the Detention Conditions, para. 51.

<sup>60</sup> Decision Modifying the Detention Conditions, para. 52.

<sup>61</sup> Decision Modifying the Detention Conditions, para. 52.

<sup>62</sup> Decision Modifying the Detention Conditions, paras 62-63.

Accused shall be notified) of both video and audio visits and communications when the Registrar, in the exercise of her discretion, or under the guidance of the Panel when needed, finds it necessary to ensure the integrity of the proceedings, the protection of confidential information and/or to ensure compliance by the Three Accused or those in contact with them with the measures ordered in the Decision Modifying the Detention Conditions.<sup>63</sup>

34. In support of the Request to prohibit the Visitors of Concern from visiting Mr Thaçi, the SPO has annexed transcripts from the Detention Facilities, as addressed above,<sup>64</sup> and contends that it “understands from publicly available sources that several of the Visitors of Concern continue to visit Thaçi at the KSC Detention Centre.”<sup>65</sup> The SPO has included no information to support this proposition regarding the frequency of visits by the Visitors of Concern.

35. In accordance with the Decision Modifying the Detention Conditions, the Registrar submits a report to the Panel every two months reporting on, *inter alia*, the implementation of the Modified Detention Conditions (“Registrar Reports”).<sup>66</sup> In the Registrar Reports, the Registrar has reported on some of the Visitors of Concern, namely that: (i) [REDACTED],<sup>67</sup> and [REDACTED];<sup>68</sup> (ii) [REDACTED],<sup>69</sup>

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<sup>63</sup> Decision Modifying the Detention Conditions, para. 66.

<sup>64</sup> See above, paras 21-27; Annex to the Request.

<sup>65</sup> Request, para. 11.

<sup>66</sup> Decision Modifying the Detention Conditions, para. 78.

<sup>67</sup> F02098, Registrar, *First Report of the Registrar Pursuant to Decision F01977* (“First Report”), 1 February 2024, confidential and *ex parte*, para. 18(ii) (a corrected version and confidential redacted and *ex parte* versions were filed on 2 February 2024 and 15 and 18 August 2025, F02098/COR, F02098/COR/CONF/RED, F02098/COR/CONF/RED2, F02098/COR/CONF/RED3, and F02098/COR/CONF/RED4).

<sup>68</sup> F02370, Registrar, *Third Report of the Registrar Pursuant to Decision F01977*, 10 June 2024, confidential and *ex parte*, para. 13 (confidential redacted and *ex parte* versions were filed on 15 and 18 August 2025, F02370/CONF/RED, F02370/CONF/RED2, F02370/CONF/RED3 and F02370/CONF/RED4). The Panel notes that the visit with one of the Visitors of Concern was denied because of reasons other than conduct incompatible with the integrity of the proceedings or the protection of confidential information.

<sup>69</sup> F02918, Registrar, *Seventh Report of the Registrar Pursuant to Decision F01977* (“Seventh Report”), 10 February 2025, confidential and *ex parte*, paras 14, 23-28, with Annexes 1-4, confidential and *ex parte* (confidential redacted and *ex parte* versions were filed on 15 August 2025, F02918/CONF/RED, F02918/CONF/RED2, F02918/CONF/RED3 and F02918/CONF/RED4); F03109, Registrar, *Eighth Report of the Registrar Pursuant to Decision F01977* (“Eighth Report”), 11 April 2025, confidential and *ex parte*,

including after having liaised with the SPO;<sup>70</sup> (iii) [REDACTED];<sup>71</sup> and (iv) [REDACTED].<sup>72</sup> In the Registrar's assessment, [REDACTED].<sup>73</sup>

36. In the Registry Submissions, and consistent with the Registry Reports, the Registrar outlines that there have been no non-privileged in-person or video visits between Mr Thaçi and the following individuals since the implementation of the Decision Modifying the Detention Conditions: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].<sup>74</sup> The Registrar further outlines that there have been non-privileged in-person visits and video visits between Mr Thaçi and [REDACTED], [REDACTED], [REDACTED], and [REDACTED] since the implementation of the Decision Modifying the Detention Conditions.<sup>75</sup> [REDACTED],<sup>76</sup> and, [REDACTED].<sup>77</sup>

37. In respect of [REDACTED], the Thaçi Defence outlines that [REDACTED] visited Mr Thaçi as part of the Defence's privileged visits and did not have any non-privileged visits with the Accused.<sup>78</sup> The Registrar has further confirmed that [REDACTED].<sup>79</sup> The Panel recalls that only named counsel and co-counsel are entitled to privileged visits.<sup>80</sup> Therefore, named counsel or co-counsel are

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paras 11-12 (confidential redacted and *ex parte* versions were filed on 15 August 2025, F03109/CONF/RED, F03109/CONF/RED2, F03109/CONF/RED3 and F03109/CONF/RED4); F03289, Registrar, *Ninth Report of the Registrar Pursuant to Decision F01977* ("Ninth Report"), 25 June 2025, confidential and *ex parte*, paras 9-12, with one Annex, confidential and *ex parte* (confidential redacted and *ex parte* versions were filed on 15 August 2025, F03289/CONF/RED, F03289/CONF/RED2, F03289/CONF/RED3 and F03289/CONF/RED4).

<sup>70</sup> Seventh Report, paras 24-25.

<sup>71</sup> Ninth Report, para. 17.

<sup>72</sup> Ninth Report, para. 18; Registrar Submissions, fn. 6.

<sup>73</sup> See Seventh Report; Eighth Report; Ninth Report.

<sup>74</sup> Registry Submissions, para. 3.

<sup>75</sup> Registry Submissions, pp. 2-4.

<sup>76</sup> Registry Submissions, pp. 2-4.

<sup>77</sup> See Registrar Reports.

<sup>78</sup> Response, para. 35.

<sup>79</sup> See *above*, para. 36; Registrar Submissions, para. 3.

<sup>80</sup> Decision Modifying the Detention Conditions, para. 60.

understood to have attended the same visits.<sup>81</sup> Therefore, the Panel finds limited risk in relation to these visits because they have occurred under the guidance of counsel and co-counsel.

38. Further, in relation to the SPO's reference to an incident in which "Thaçi apparently participated in another detainee's video-call, an action which runs contrary to the conditions already imposed on him,"<sup>82</sup> the Panel notes that it was made aware of this incident.<sup>83</sup> The Panel further notes that the [REDACTED].<sup>84</sup> In this context, the Panel did not consider it necessary to *proprio motu* impose additional conditions.

39. Lastly, the Panel emphasises that a substantial amount of time has elapsed between the relevant visits in the Detention Facilities and the Request. The Panel notes that, while not all of the visits in the Detention Facilities referenced in the Annex to the Request were brought to the Panel's attention at the time of the Decision Modifying the Detention Conditions, they all pre-date the Modified Detention Conditions. No incidents, beyond those set out above, have been reported to the Panel after the imposition of the Modified Detention Conditions. Further, the Registry did take measures in respect of those incidents that did occur.

40. Having considered the factors outlined above, and without any further information from the SPO and/or the Registrar, the Panel does not consider that the SPO has shown that additional detention conditions, beyond the Modified Detention Conditions, are necessary in the present circumstances. In this respect, the Panel emphasises that the Registrar, in exercising her discretion, is already empowered to deny visits from any of the Visitors of Concern if there are credible indications that the individual concerned has engaged or could engage in conduct

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<sup>81</sup> Response, para. 35.

<sup>82</sup> Request, para. 12.

<sup>83</sup> Eighth Report, para. 21.

<sup>84</sup> Eighth Report, paras 21-22.



incompatible with the integrity of proceedings and/or the regulations of detention,<sup>85</sup> and, indeed, has done so.<sup>86</sup>

41. In light of the above, and in the present circumstances, the Panel considers that it is not necessary, nor proportionate, to prohibit the Visitors of Concern from visiting Mr Thaçi in the Detention Facilities.

## **2. Request That Discussions Related to This Case and Case 12 Be Prohibited**

42. The SPO requests that any discussions related to this case and Case 12 during non-privileged visits be prohibited for the same reasons as enumerated above.<sup>87</sup> The SPO adds that prohibiting case related discussions will both facilitate monitoring and enforcement of the Modified Detention Conditions and help minimise the risk of confidential information being disclosed to unauthorised persons, whether deliberately or otherwise.<sup>88</sup>

43. The Thaçi Defence objects to the SPO proposed general ban on discussions related to this case or Case 12 during non-privileged visits.<sup>89</sup> The Thaçi Defence contends that restricting Mr Thaçi's discussions so that he cannot discuss even publicly available information, is not directed at a legitimate aim, and is disproportionate.<sup>90</sup> The Thaçi Defence adds that such a restriction is impracticable, almost impossible to impose, and would jeopardise Mr Thaçi's right to have adequate time and facilities for the preparation of his defence and his right to a fair trial.<sup>91</sup>

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<sup>85</sup> Decision Modifying the Detention Conditions, paras 52, 62-63.

<sup>86</sup> *See above*, para. 35.

<sup>87</sup> *See above*, para. 28; Request, paras 3, 13.

<sup>88</sup> Request, para. 13.

<sup>89</sup> Response, para. 36.

<sup>90</sup> Response, para. 36.

<sup>91</sup> Response, paras 36-37.

44. To the extent the SPO is requesting that the Panel prohibit Mr Thaçi from discussing confidential information, the Panel recalls that it has repeatedly reiterated that the Accused are prohibited from disclosing or discussing with anyone other than their counsel and Defence team members information subject to protective measures, in particular the names and details of the SPO's and/or Victims' Counsel's witnesses, confidential information and/or the content of evidence given in private or closed session.<sup>92</sup> Accordingly, Mr Thaçi is already prohibited from discussing such information.

45. To the extent that the SPO is requesting the Panel to prohibit Mr Thaçi from discussing publicly available information about the present case, the Panel considers that there is no reason for such an imposition upon Mr Thaçi as such information is not protected and would be disproportionate to the legitimate aim of protecting confidential information and the safety and security of victims and witnesses. In light of the fact that the present request was also filed before, and addressed by, the Pre-Trial Judge in Case 12,<sup>93</sup> the Panel will not address the SPO's request that Mr Thaçi be prohibited from discussing Case 12 matters during non-privileged visits.

46. Under these circumstances, the Panel considers that it is not necessary, nor proportionate, to impose any additional condition on Mr Thaçi to prohibit him from discussing this case.

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<sup>92</sup> See *e.g. above*, para. 14; Decision Modifying the Detention Conditions, para. 36 (with further references).

<sup>93</sup> Request, para. 14; KSC-BC-2023-12, F00382/COR/RED, Pre-Trial Judge, *Public Redacted Version of Corrected Version of Decision on Specialist Prosecutor's Request for Modification of Hashim Thaçi's Detention Conditions*, 18 August 2025.

### 3. Conclusion

47. In light of the foregoing, the Panel considers that, at the present time, the SPO has not justified that the additional detention measures are necessary and proportionate. The Panel, therefore, rejects the Request.

### V. CLASSIFICATION

48. The Panel notes that the Request and Response are confidential. The Panel orders the SPO and the Thaçi Defence to request reclassification or file public redacted versions of the Request and Response, by no later than **Wednesday, 10 September 2025**.

### VI. DISPOSITION

49. In light of the foregoing, the Panel hereby:

- a) **REJECTS** the Request; and
- b) **ORDERS** the SPO and the Thaçi Defence to request reclassification or file public redacted versions of the Request and Response, by no later than **Wednesday, 10 September 2025**.



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**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Wednesday, 3 September 2025

At The Hague, the Netherlands.