



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: 16 October 2025

Language: English

Classification: Public

Public Redacted Version of Decision on Hashim Thaçi's Detention Conditions

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THE PRE-TRIAL JUDGE,¹ pursuant to Articles 3(2), 23(1) and 39(11) and (13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 56(6), 80(1), 82(5) and 95(2)(g) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues the following decision.

I. PROCEDURAL BACKGROUND

1. On 18 July 2025, the Pre-Trial Judge granted, in part, a request by the Specialist Prosecutor's Office ("SPO") to restrict non-privileged visits to Hashim Thaçi ("Mr Thaçi") at the Specialist Chambers' ("SC") Detention Facilities by the following individuals ("Restricted Visitors"): Artan Behrami, Blerim Shala, Ismail Sylja, Vllaznim Kryeziu, [REDACTED], [REDACTED], Milaim Ahmetaj, Milaim Cakiqi ("Mr Cakiqi"), Avni Kastrati, [REDACTED] and [REDACTED] ("Decision F00382").² The Pre-Trial Judge also decided that she would review the necessity of the above restrictions every three months, and for this purpose ordered the Registrar to report every two months on the implementation of the restrictions, and the SPO to file submissions on the continued need for such restrictions by 26 September 2025.³

2. On 18 August 2025, the Pre-Trial Judge rejected a request for certification to appeal Decision F00382 by the Defence for Mr Thaçi ("Thaçi Defence").⁴

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

² KSC-BC-2023-12, F00382/COR, Pre-Trial Judge, *Corrected Version of Decision on Specialist Prosecutor's Request for Modification of Hashim Thaçi's Detention Conditions*, 18 July 2025, confidential, paras 42, 49(a). A public redacted version was issued on 18 August 2025, F00382/COR/RED.

³ Decision F00382, paras 43-44, 49(c) and (d).

⁴ KSC-BC-2023-12, F00418, Pre-Trial Judge, *Decision on the Thaçi Defence Request for Certification to Appeal the "Decision on Specialist Prosecutor's Request for Modification of Hashim Thaçi's Detention Conditions"* ("Leave to Appeal Decision"), 18 August 2025, confidential and *ex parte*. A confidential redacted version was issued on the same day, F00418/CONF/RED and a public redacted version was issued on 20 August 2025, F00418/RED.

3. On 24 September 2025, the Registrar submitted her first report pursuant to Decision F00382 ("First Registrar Report").⁵

4. On 26 September 2025, the SPO filed its submissions ("SPO Submissions"), requesting that the above restrictions be maintained for a further period of three months.⁶

5. On 1 October 2025, Trial Panel II seized of case *The Specialist Prosecutor v. Hashim Thaçi et al.* ("Case 06"), following a request by the Defence for Mr Thaçi in Case 06, granted the Pre-Trial Judge access to several filings in Case 06 related to Mr Thaçi's detention ("Case 06 Filings").⁷

6. On 3 October 2025, the Thaçi Defence responded to the SPO Submissions ("Defence Response").⁸

7. On 6 October 2025, the SPO requested the reclassification of the SPO Submissions as public.⁹

II. SUBMISSIONS

A. FIRST REGISTRAR REPORT

8. The Registrar reports that [REDACTED].¹⁰

⁵ KSC-BC-2023-12, F00464, Registrar, *First Report of the Registrar Pursuant to Decision F00382*, 24 September 2025, confidential and *ex parte*.

⁶ KSC-BC-2023-12, F00468, Specialist Prosecutor, *Prosecution Submissions Pursuant to Decision F00382*, 26 September 2025, confidential.

⁷ KSC-BC-2020-06, RAC008-F00002, Trial Panel II, *Decision on Urgent Joint Thaçi Defence Request Concerning Access in Case KSC-BC-2023-12 to Filings Related to Mr Thaçi's Detention*, 1 October 2025, confidential and *ex parte*.

⁸ KSC-BC-2023-12, F00480, Thaçi Defence, *Thaçi Defence Response to "Prosecution Submissions Pursuant to Decision F00382"*, 3 October 2025, confidential and *ex parte*. Two confidential redacted versions were filed on the 6 October 2025, notified to the SPO (F00480/CONF/RED) and to Mr Thaçi's co-Accused in the present case (F00480/CONF/RED2), respectively.

⁹ KSC-BC-2023-12, F00484, Specialist Prosecutor, *Prosecution Request for Reclassification of Filing F00468*, 6 October 2025, confidential.

¹⁰ First Registrar Report, para. 8 and references cited therein.

B. SPO SUBMISSIONS

9. The SPO contends that the restrictions imposed previously by the Pre-Trial Judge remain necessary and proportionate and should therefore be maintained.¹¹ According to the SPO, no new factors have arisen which undermine the findings in Decision F00382.¹²

10. More specifically, the SPO argues that: (i) credible indicators remain that the Restricted Visitors participated in non-privileged visits during which Mr Thaçi disclosed confidential information and/or protected information to third parties and engaged in, or could engage in, conduct incompatible with the integrity of proceedings and/or the regulation of detention; (ii) the Pre-Trial Judge's findings that there continues to be a risk that Mr Thaçi may obstruct the progress of SC proceedings are unchallenged and correct; (iii) the Pre-Trial Judge's conclusion that the risk of interference in Case 06 does not cease with the closure of the SPO's case in chief, has not been undermined;¹³ and (iv) her assessment of the aforementioned factors against the backdrop of the "pervasive climate of fear and intimidation in Kosovo against witnesses and potential witnesses" is relevant and appropriate.¹⁴ The SPO further argues that the recent filing of its Pre-Trial Brief and anticipated List of Witnesses and Exhibits will only further entrench Mr Thaçi's demonstrated persistence in furthering obstruction efforts and elevate the risk of obstruction arising from the ongoing disclosure process.¹⁵

¹¹ SPO Submissions, para. 4.

¹² SPO Submissions, paras 2, 6.

¹³ The SPO adds that the commencement of the Case 06 Defence case may result in further increase in publicity and external pressure, *see* SPO Submissions, para. 7.

¹⁴ SPO Submissions, para. 5(d).

¹⁵ SPO Submissions, para. 7.

C. DEFENCE RESPONSE

11. The Thaçi Defence responds that the SPO fails to demonstrate that the restrictions remain necessary or proportionate.¹⁶ In particular, the Thaçi Defence argues first that, having been notified of the Case 06 Filings, the Pre-Trial Judge must now take them into account in her assessment as to whether the restrictions imposed on Mr Thaçi in Case 12 (“Case 12 Restrictions”) are necessary and proportionate. In this regard, the Thaçi Defence submits that the Case 06 Filings demonstrate that the modified detention conditions imposed on Mr Thaçi in Case 06 are sufficient to achieve the aims of the restrictions imposed on him in Case 12.¹⁷ Notably, it is submitted that, according to the Registry reports in Case 06, [REDACTED], and Trial Panel II did not find any violations on the part of Mr Thaçi.¹⁸

12. In addition, the Thaçi Defence affirms that, contrary to the SPO’s assertion, the risk of Mr Thaçi attempting to interfere with any SPO witnesses in Case 12 has significantly decreased following the filing by the SPO of its Pre-Trial Brief, Exhibit List and List of Witnesses, owing to the content of the Exhibit List and the identities and backgrounds of the witnesses the SPO seeks to call at trial.¹⁹ Lastly, the Thaçi Defence argues that the Case 06 trial is near its end and that all Case 06 parties have submitted their final witness lists [REDACTED].²⁰

13. The Thaçi Defence thus requests the Pre-Trial Judge to dismiss the request contained in the SPO Submissions and lift the restrictions on Mr Thaçi’s non-privileged visits.

¹⁶ Defence Response, paras 1, 13, 17, 23, 29, 31.

¹⁷ Defence Response, paras 15-23.

¹⁸ Defence Response, paras 18-22.

¹⁹ Defence Response, paras 24-29.

²⁰ Defence Response, para. 30.

14. In the alternative, the Thaçi Defence requests the Pre-Trial Judge to lift such restrictions with respect to [REDACTED].²¹ In this regard, the Thaçi Defence submits that: (i) before the issuance of Decision F00382, [REDACTED] regularly visited Mr Thaçi, and (ii) since the issuance in December 2023 of the decision on Mr Thaçi's detention conditions in Case 06, each of [REDACTED]'s visits have been actively monitored and the Registrar has reported no incident during said visits.²² This, according to the Thaçi Defence, demonstrates that both Mr Thaçi and [REDACTED] have abided by the detention conditions imposed on Mr Thaçi in Case 06 and that it is neither necessary nor proportionate to prohibit all in-person non-privileged visits between them. In addition, the Thaçi Defence emphasizes that [REDACTED]'s in-person visits prior to Decision F00382 were the source of much needed moral support for Mr Thaçi.²³

III. APPLICABLE LAW

15. Pursuant to Article 3(2) of the Law, the SC shall adjudicate and function in accordance with the Constitution of the Republic of Kosovo ("Constitution"). Article 22 of the Constitution incorporates the (European) Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR") and renders it applicable as a whole before the SC. Article 8 of the ECHR protects the right to respect for private and family life.

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

²¹ Defence Response, paras 32-34, 36.

²² Defence Response, paras 18, 34.

²³ Defence Submissions, para. 33.

17. Pursuant to Article 39(11) and (13) and Rule 95(2)(g) of the Rules, the Pre-Trial Judge shall ensure that proceedings are not unduly delayed and shall take all necessary measures for the expeditious preparation of the case for trial and to protect the Accused, witnesses and victims. This may include, pursuant to Rule 56(6) of the Rules, modifying the Accused's conditions of detention and related matters, and imposing necessary and proportionate restrictions on his communications, for the purpose of protecting witnesses or victims, confidential information or the integrity of the proceedings.

18. Pursuant to Rule 82(5) of the Rules, where the basis for the classification no longer exists, whoever submitted the original filing shall apply to the Panel for reclassification. A Panel may also reclassify a filing upon request by any other participant or *proprio motu*.

IV. DISCUSSION

A. PRELIMINARY MATTER

19. At the outset, the Pre-Trial Judge recalls her finding in Decision F00382 that: (i) Mr Thaçi's conditions of detention are assessed in the context of the Case 12 proceedings independently from the detention regime in place in Case 06; and (ii) as the Case 06 detention regime does not fall within her competence, she is not in a position to assess compliance or infringement of the restrictions imposed therein.²⁴

20. Further, the Pre-Trial Judge clarifies that at the time of the issuance of Decision F00382, she had no access to the Case 06 Filings. Access to those filings was requested subsequently by the Thaçi Defence from Trial Panel II for the

²⁴ Decision F00382, paras 17-18 and references cited therein. *See also*, Leave to Appeal Decision, paras 23-24.

purpose of the present decision.²⁵ The Pre-Trial Judge confirms that they were made available to her prior to the present decision.

21. That being said, while taking note of the Thaçi Defence's submissions pertaining to Case 06 Filings made available to her,²⁶ the Pre-Trial Judge will proceed to assess whether the Case 12 Restrictions continue to be necessary and proportionate *in context of the present proceedings* and in light of the current charges against Mr Thaçi in this case.

B. APPLICABLE STANDARD

22. The Pre-Trial Judge has previously laid out the legal principles relevant to the present matter.²⁷ She will therefore consider whether the imposed restrictions, "as prescribed by law",²⁸ continue to be necessary and proportionate, taking into account the detention regime as a whole, and considering the cumulative effects of the measures sought and any counter-balancing measures.²⁹

C. ASSESSMENT

23. To begin with, the Pre-Trial Judge recalls that, in the present case, Mr Thaçi is charged with individually and by common action in groups he belonged to, having led efforts to, and engaged in, a pattern of conduct to obstruct official

²⁵ See paragraph 5 above.

²⁶ Defence Response, paras 2-6, 15-23.

²⁷ Decision F00382, paras 19-22.

²⁸ Decision F00382, para. 21. The Pre-Trial Judge recalls that, according to Rule 56(6) of the Rules, she may adopt necessary and proportionate restrictions with regard to the detained person's contacts for the purposes of protecting witnesses or victims, confidential information or the integrity of the proceedings. See also KSC-BD-09-Rev1, Registrar, [Registry Practice Direction on Detainees – Visits and Communications](#), 23 September 2020, public, Articles 6-7, 12, 15, 17, 19; KSC-BD-10-Rev1, Registrar, [Registry Practice Direction on Detainees – Counsel Visits and Communications](#), 23 September 2020, public, Articles 14-18.

²⁹ See Decision, F00382, para. 22.

persons in performing official duties, specifically through non-privileged visits at the SC Detention Facilities, while he was detained in the context of the Case 06 proceedings.³⁰ Mr Thaçi is sought to have repeatedly and purposefully revealed, without authorization, protected information, encouraged multiple visitors to receive and memorise his precise instructions and to contact certain witnesses for the purpose of unlawfully influencing their testimony, during non-privileged visits at the SC Detention Facilities.³¹

24. In addition, the Pre-Trial Judge recalls that the Restricted Visitors include individuals mentioned in the decision on the confirmation of the indictment in Case 12, as well as other persons who visited Mr Thaçi and with regard to whom Mr Thaçi is charged with individually and by common action in the groups, as described above, and [REDACTED].³²

25. The Pre-Trial Judge further recalls that, with regard to all Restricted Visitors, she found that there are credible allegations that they: (i) participated in non-privileged visits at the SC Detention Facilities where Mr Thaçi engaged in the disclosure of confidential and/or protected information to third parties; and (ii) have engaged in, or could engage in, conduct incompatible with the integrity of proceedings and/or the regulations of detention.³³

³⁰ See KSC-BC-2023-12, F00264/A02, Specialist Prosecutor, *Public Redacted Amended Confirmed Indictment*, 16 April 2025, public.

³¹ See Decision F00382, para. 24 and references cited therein; *see also*, KSC-BC-2023-12, F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment*, 29 November 2024, confidential, para. 268. A public redacted version was issued on 12 February 2025, F00036/RED. The Pre-Trial Judge recalls that, on 14 April 2025, following a decision of the Court of Appeals Panel, she 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 obstructing official persons under Counts 1, 2 and 3 of the confirmed indictment of 2 December 2024, *see* KSC-BC-2023-12, F00260, Pre-Trial Judge, *Decision Amending the "Decision on the Confirmation of the Indictment" and Setting a Date for the Submission of Preliminary Motions*, 14 April 2025, public, para. 21 and references cited therein.

³² Decision F00382, paras 23, 25-32 and 33-38 and references cited therein.

³³ Decision F00382, paras 25-27.

26. Furthermore, no new element has been submitted by the Thaçi Defence that is capable to upset the previous findings of the Pre-Trial Judge, as summarised above.

27. Lastly, the Pre-Trial Judge recalls her recent findings that Mr Thaçi's detention remains necessary as there are articulable grounds to believe that he, *inter alia*, will obstruct the progress of SC proceedings.³⁴

1. Necessity

28. **Restricted Visitors.** The Thaçi Defence requests that all restrictions be lifted as [REDACTED] and the conditions put in place in Case 06 by Trial Panel II are sufficient.³⁵ In particular, the Thaçi Defence challenges the continued necessity of the Case 12 Restrictions, on the grounds that since the modification, in December 2023, of the detention conditions of Mr Thaçi in Case 06 and until Decision F00382, [REDACTED] as demonstrated in the Registry reports in Case 06.³⁶

29. The Pre-Trial Judge notes that, according to the Case 06 Filings made available to her: (i) since the modification in December 2023 of the detention conditions of

³⁴ KSC-BC-2023-12, F00476, Pre-Trial Judge, [Fifth Decision on Review of Detention of Hashim Thaçi](#) ("Fifth Review Decision"), 3 October 2025, public. The Pre-Trial Judge made this determination based on the following considerations: (i) Mr Thaçi coordinated with the 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 actions show persistence in furthering obstruction efforts in SC proceedings from within the SC Detention Facilities, including by leveraging his influence over former Kosovo Liberation Army affiliates loyal to him, and persons from his political circles, including the 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 and/or obstruct the progress of the present proceedings (see [Fifth Review Decision](#), para. 18).

³⁵ See *supra* para. 11.

³⁶ Defence Response, paras 18-22.

Mr Thaçi in Case 06, [REDACTED] and (ii) [REDACTED]³⁷- [REDACTED],³⁸ there have been no incidents during [REDACTED]'s visits to Mr Thaçi, all of which were monitored.³⁹ The Pre-Trial Judge also notes that, since the issuance of Decision F00382 restricting Mr Thaçi's visitation rights, the Registrar reports that [REDACTED].⁴⁰

30. Yet, the Pre-Trial Judge considers that the circumstances which gave rise to imposing the Case 12 Restrictions have not changed, and that there remains a risk of further unlawful disclosure of confidential information related to witnesses.⁴¹ In this regard, the Pre-Trial Judge recalls that since the issuance of Decision F00382, she has found, in the context of the review of detention of Mr Thaçi, that there continues to be a risk that he will obstruct the progress of SC proceedings, and that his detention thus remains necessary.⁴² The Pre-Trial Judge underlines that she reached this determination despite finding that the risk of interference with the SPO witnesses listed in the SPO Witness List was low, given their profiles.⁴³

31. The Pre-Trial Judge also opines that, since none of the Restricted Visitors had an in-person visit with Mr Thaçi, the absence of incidents in the SC Detention Facilities during the reporting period following Decision F00382 is a natural consequence thereof but is not enough to demonstrate the lack of risk which justifies the Case 12 Restrictions. Indeed, the absence of such visits does not necessarily demonstrate that Mr Thaçi abided by the terms of either the detention conditions of Mr Thaçi in Case 06 or Decision F00382. What this fact merely reflects is compliance

³⁷ The date corresponds to the date of implementation of KSC-BC-2020-06, F01977, Trial Panel II, [Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi](#), 1 December 2023, public; *see also*, [REDACTED].

³⁸ [REDACTED].

³⁹ *See* [REDACTED].

⁴⁰ First Registrar Report, para. 8 and references cited therein.

⁴¹ Decision F00382, para. 32.

⁴² [Fifth Review Decision](#), para. 18.

⁴³ [Fifth Review Decision](#), para. 19. *See also*, Defence Response, paras 25-29.

with Decision F00382 and, if anything, points to the effectiveness of the Case 12 Restrictions.

32. The Thaçi Defence further challenges the continued necessity of the Case 12 Restrictions, arguing that: (i) the risk of interference has declined with the filing of the SPO Pre-Trial Brief and SPO Witness List in Case 12, and that (ii) Case 06 is nearing completion and [REDACTED].⁴⁴

33. Regarding the Thaçi Defence's first argument, the Pre-Trial Judge is not persuaded that the submission of the SPO Pre-Trial Brief and SPO Witness List in Case 12 has naturally decreased the risk. First, the Pre-Trial Judge notes that the SPO Witness List is not final and that the Defence is yet to file its witness list(s) in Case 12.⁴⁵ Second, as elaborated above, Mr Thaçi has allegedly persistently engaged in a broader pattern of witness interference in Case 06, a risk that is considered to persist in the context of the present proceedings as well. The allegation that the SPO relies more on documentary evidence than on live evidence in Case 12 does not disturb this finding. The integrity of the present proceedings must be safeguarded, and the restrictions for Mr Thaçi in place are aimed at mitigating the risk of further unlawful disclosure of confidential information and interference with witnesses. In that respect, the fact that the [REDACTED] SPO witnesses to be called in Case 12 [REDACTED] is not a relevant consideration. By the same token, the factor related to the pervasive climate of fear and witness intimidation in Kosovo does not become irrelevant.

34. Regarding the Thaçi Defence's second argument, the Pre-Trial Judge reiterates that: (i) the Case 06 proceedings remain ongoing until the formal closing of the case;⁴⁶ (ii) a Trial Panel may, under exceptional circumstances, hear additional

⁴⁴ Defence Response, para. 30.

⁴⁵ KSC-BC-2023-12, F00453, Pre-Trial Judge, [Decision on the Remaining Calendar of the Pre-Trial Proceedings](#), 16 September 2025, public, para. 17.

⁴⁶ Rule 136(1) of the Rules.

evidence after the closing of the case under Rule 136(2) of the Rules; and (iii) witnesses who have already testified in Case 06 may be retaliated against or incentivised to recant.⁴⁷ The Pre-Trial Judge further takes favourably into consideration the finding of Trial Panel II that, for the purposes of Case 06, there remains a risk that Mr Thaçi could obstruct the proceedings or commit further crimes, particularly because the names and personal details of certain highly sensitive SPO witnesses have now been disclosed to the Thaçi Defence, and have therefore become known to a broader range of people, including to Mr Thaçi. This, in turn, increases the risk of sensitive information pertaining to witnesses becoming known to members of the public - a risk which exists even after testimony, since many of the witnesses have protective measures and their identities should not become known to the public at any time.⁴⁸ The Pre-Trial Judge agrees with the assessment of Trial Panel II that there remains a residual risk that Mr Thaçi may reveal confidential information pertaining to protected witnesses, even at this late stage of proceedings in Case 06.

35. Lastly, with regard to Thaçi Defence's overarching argument that the conditions established by Trial Panel II in Case 06 are sufficient, the Pre-Trial Judge acknowledges that the Case 12 Restrictions imposed on Mr Thaçi in respect of the Restricted Visitors are more intrusive than those applicable under the Case 06 regime in place at the moment. However, the level of the Case 12 Restrictions must be assessed in light of the fundamental objective of protecting witnesses and safeguarding the integrity of the proceedings. Considering the importance of this aim and the safeguards currently in place, the Pre-Trial Judge concludes that, at the moment, no less restrictive means are available in Case 12 that would equally

⁴⁷ Decision F00382, para. 29. See also [Fifth Review Decision](#), para. 19 and references cited therein.

⁴⁸ KSC-BC-2020-06, F003514, Trial Panel II, *Decision on Periodic Review of Detention of Hashim Thaçi*, 10 October 2025, public, paras 18-27.

achieve the legitimate objectives of ensuring witness protection and preserving the integrity of the proceedings.

36. In light of the above considerations, the Pre-Trial Judge remains convinced that the Case 12 Restrictions remain necessary to mitigate the risk of further unlawful disclosure of confidential information related to witnesses.

37. [REDACTED]. The Thaçi Defence argues, in the alternative, that the Case 12 Restrictions are not necessary or proportionate with regard to [REDACTED] specifically, as [REDACTED].⁴⁹

38. The Pre-Trial Judge acknowledges that no incidents involving [REDACTED] were reported since December 2023.⁵⁰ Nevertheless, the Pre-Trial Judge weighs this against her specific findings that during a visit on 1 October 2023, Mr Thaçi appeared to provide instructions to [REDACTED] and others on how witnesses should testify, minimising their evidence with regard to his culpability, as well as to discuss the testimony of witnesses, whose testimony was not public at the time.⁵¹ The Pre-Trial Judge also notes that, as the rest of the Restricted Visitors, [REDACTED] in accordance with the terms of Decision F00382.⁵²

39. In light of the above, and recalling that the underlying risk continues to exist, the Pre-Trial Judge finds that the Case 12 Restrictions remain necessary, including with regard to [REDACTED], in order to mitigate the risk of further unlawful disclosure of confidential information related to witnesses.

2. Proportionality

⁴⁹ Defence Response, para. 34.

⁵⁰ See First Registrar Report, para. 8; [REDACTED].

⁵¹ See Decision F00382, footnote 49, with specific reference to ERN 115859 011023-075517-115809-TR-AT-ET, p. 8, line 12 to p. 13, line 23.

⁵² First Registrar Report, para. 8.

40. The Pre-Trial Judge recalls that Decision F00382 was specifically limited to individuals for whom there are, at a minimum, credible indications of: (a) participation in non-privileged visits at the SC Detention Facilities where Mr Thaçi allegedly revealed confidential information related to SPO (protected) witnesses to third parties; and (b) involvement in, or potential for, conduct incompatible with the integrity of proceedings and/or the regulations of detention.⁵³

41. Accordingly, Decision F00382 does not affect other categories of visits - including non-privileged visits by other individuals or private visits - nor does it restrict the rights of representatives of the International Committee of the Red Cross, the Ombudsperson, the Registrar, Specialist Chambers' Judges or any staff members acting on behalf these organisations and individuals.⁵⁴ In this regard, the Pre-Trial Judge also recalls that in Decision F00382, she did not restrict visits by three family members of Mr Thaçi, specifically being mindful of his need to receive moral support while in detention and the importance of family contact.⁵⁵ The Pre-Trial Judge understands that [REDACTED].⁵⁶

42. With regard to [REDACTED], the Pre-Trial Judge remains attentive to [REDACTED], but finds the measures at present to be proportionate, given that his right to receive privileged visits remains wholly unaffected.

43. Lastly, the Pre-Trial Judge stresses that the current Case 12 Restrictions are not indefinite and are subject to periodic judicial review every three months, thus ensuring that Mr Thaçi's rights are not unduly infringed.⁵⁷

⁵³ See Decision F00382, para. 32, footnote 58, with specific reference to ERN 114548 040823-075244-121616-TR-AT Revised 1-ET, pp. 306-310, 315-320, 384-389, 394-95; with regard to the findings specific to [REDACTED], see Decision F00382, para. 34.

⁵⁴ Decision F00382, para. 46.

⁵⁵ Decision F00382, paras 39-41.

⁵⁶ See [REDACTED].

⁵⁷ Decision F00382, para. 43.

44. In light of the foregoing considerations, the Pre-Trial Judge remains satisfied that the Case 12 Restrictions are proportionate as they do not unduly infringe, at this stage, the rights of Mr Thaçi in line with Article 8(2) of the ECHR.

V. CONCLUSION

45. Considering all of the above factors as a whole, the Pre-Trial Judge remains satisfied that the restrictions in place continue to be: (i) necessary to mitigate the risk of further unlawful disclosure of confidential information related to witnesses; and (ii) proportionate to the aim pursued, namely the protection of witnesses and the integrity of proceedings, in line with Article 8(2) of the ECHR and Rule 56(6) of the Rules; (iii) while also compatible with the rights of Mr Thaçi. Accordingly, the restrictions in place shall be maintained.

VI. CLASSIFICATION

46. Noting the SPO's request for reclassification of the SPO Submissions as public,⁵⁸ and being satisfied that the information contained in the SPO Submissions may be made public, the Pre-Trial Judge orders the Registry, pursuant to Rule 82(5) of the Rules, to reclassify the SPO Submissions (filing F00468) and the SPO request for reclassification (filing F00484) as public.

47. In addition, noting the Registry submissions,⁵⁹ the Pre-Trial Judge invites the Thaçi Defence to file on record, by **Friday, 24 October 2025**, whether it objects to the lifting of the *ex parte* marking of the First Registry Report (filing F00464).

⁵⁸ See *supra* para. 7.

⁵⁹ First Registry Report, para. 9.

48. Finally, with a view to upholding the principle of publicity, the Pre-Trial Judge considers it necessary to order the preparation of public redacted versions of the First Registrar Report and the Defence Response.

VII. DISPOSITION

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

- a. **ORDERS** the continued restriction of Mr Thaçi's detention conditions according to the terms of Decision F00382;
- b. **ORDERS** the Registrar to submit her next report, in accordance with paragraph 44 of Decision F00382, by **Monday, 24 November 2025**;
- c. **ORDERS** the SPO to make submissions regarding the continued need for the restrictions imposed therein, by no later than **Monday, 1 December 2025**;
- d. **ORDERS** the Thaçi Defence, if it so wishes, to file a response to the SPO's submissions, by no later than **Monday, 8 December 2025**;
- e. **ORDERS** the Thaçi Defence to submit a public redacted version of the Defence Response (filing F00480) and the Registrar to submit a public redacted version of the First Registrar Report (filing F00464) by **Monday, 27 October 2025**;
- f. **ORDERS** the Thaçi Defence to file on record, by **Friday, 24 October 2025**, whether it objects to the lifting of the *ex parte* marking of the First Registry Report (filing F00464); and
- g. **ORDERS** the Registry to reclassify as public the SPO Submissions (filing F00468) and the SPO request for reclassification (filing F00484).



Judge Marjorie Masselot
Pre-Trial Judge

Dated this Thursday, 16 October 2025

At The Hague, the Netherlands.