



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

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Decision on Periodic Review of Detention of Rexhep Selimi

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

I. PROCEDURAL BACKGROUND

1. The procedural background concerning the periodic review of the detention of Rexhep Selimi (“Mr Selimi” or “Accused”) has been set out extensively in previous decisions concerning the same issue. Relevant events since the twenty-second review of Mr Selimi’s detention on 18 September 2025 (“Twenty-Second Detention Decision”) include those set out below.¹

2. On 27 October 2025, the Specialist Prosecutor’s Office (“SPO”) filed its submissions on the continued detention of Mr Selimi.²

3. The Selimi Defence did not respond.

II. SUBMISSIONS

4. The SPO requests that the detention of Mr Selimi continue as, since the last review of Mr Selimi’s detention, there has been no change in circumstances that would affect the factors supporting the need and reasonableness of detention.³ To the contrary, the SPO submits that the continued progression of the trial, and related developments, add to the necessity and reasonableness of Mr Selimi’s detention.⁴

¹ F03482, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi*, 18 September 2025.

² F03538, Specialist Prosecutor, *Prosecution Submissions Pertaining to Periodic Detention Review of Rexhep Selimi*, 27 October 2025.

³ SPO Submissions, paras 1, 9.

⁴ SPO Submissions, para. 1.

III. APPLICABLE LAW

5. The law applicable to deciding the present matter is set out in Article 41(6), (10), and (12) and Rules 56-57, and has been laid out extensively in earlier decisions.⁵ The Panel will apply the same standards to the present decision.

IV. DISCUSSION

6. The purpose of the bi-monthly review of detention pending trial pursuant to Article 41(10) is to determine whether reasons justifying detention still exist.⁶ A change in circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.⁷

A. ARTICLE 41 CRITERIA

1. Grounded Suspicion

7. As regards the threshold for continued detention, Article 41(6)(a) requires a grounded suspicion that the detained person has committed a crime within the jurisdiction of the Specialist Chambers (“SC”). This is a condition *sine qua non* for the validity of the detained person’s continued detention.⁸

8. The SPO submits that the criterion in Article 41(6)(a) is still met. In the SPO’s view, nothing has occurred that could detract from the Pre-Trial Judge’s findings

⁵ See for example, F00580, Pre-Trial Judge, *Decision on Remanded Detention Review and Periodic Review of Detention of Rexhep Selimi* (“Third Detention Decision”), 26 November 2021, confidential, para. 20, with further references (a public redacted version was filed on 8 December 2021, F00580/RED).

⁶ IA022/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi’s Appeal Against Decision on Periodic Review of Detention*, 22 August 2022, confidential, para. 37 (a public redacted version was filed on the same day, IA022/F00005/RED).

⁷ IA007/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi’s Appeal Against Decision on Review of Detention* (“Second Appeals Decision on Selimi’s Detention”), 1 October 2021, confidential, para. 14 (a public redacted version was filed on the same day, IA007/F00005/RED).

⁸ Similarly, ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, [Judgment](#), 28 November 2017, para. 222.

that there remains a well-grounded suspicion that Mr Selimi has committed a crime within the jurisdiction of the SC.⁹

9. The Panel notes that, pursuant to Article 39(2), the Pre-Trial Judge determined that there was a well-grounded suspicion that Mr Selimi is criminally responsible for a number of crimes against humanity (persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance) and war crimes (arbitrary detention, cruel treatment, torture and murder) under Articles 13, 14(1)(c) and 16(1)(a).¹⁰ Moreover, the Pre-Trial Judge found that a well-grounded suspicion has also been established with regard to the new charges brought by the SPO against Mr Selimi with the requested amendments to the indictment.¹¹ These findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a).¹²

⁹ SPO Submissions, para. 10.

¹⁰ F00026, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte*, para. 521(a)(i)-(ii). A confidential redacted version was filed on 19 November 2020, F00026/CONF/RED. A public redacted version was filed on 30 November 2020, F00026/RED. The Specialist Prosecutor submitted the confirmed indictment in F00034, Specialist Prosecutor, *Submission of Confirmed Indictment and Related Requests*, 30 October 2020, confidential, with Annex 1, strictly confidential and *ex parte*, and Annexes 2-3, confidential; F00045/A03, Specialist Prosecutor, *Further Redacted Indictment*, 4 November 2020; F00134, Specialist Prosecutor, *Lesser Redacted Version of Redacted Indictment*, KSC-BC-2020-06/F00045/A02, 4 November 2020, 11 December 2020, confidential. A further corrected confirmed indictment was submitted on 3 September 2021, strictly confidential and *ex parte* (F00455/A01), with confidential redacted (F00455/CONF/RED/A01) and public redacted (F00455/RED/A01) versions. On 17 January 2022, the Specialist Prosecutor submitted a confidential, corrected, and lesser redacted version of the confirmed indictment, F00647/A01.

¹¹ F00777, Pre-Trial Judge, *Decision on the Confirmation of Amendments to the Indictment*, 22 April 2022, strictly confidential and *ex parte*, para. 183. A confidential redacted version (F00777/CONF/RED), a public redacted version (F00777/RED), a confidential lesser redacted version (F00777/CONF/RED2) and a confidential further lesser redacted version (F00777/CONF/RED3) were filed, respectively, on 22 April 2022, 6 May 2022, 16 May 2022 and 21 September 2023. The requested amendments are detailed at para. 11. A confirmed amended indictment was then filed by the SPO on 29 April 2022, strictly confidential and *ex parte* (F00789/A01), with confidential redacted (F00789/A02) and public redacted (F00789/A05) versions. On 30 September 2022, the SPO submitted a confirmed further amended indictment ("Confirmed Indictment"), confidential (F00999/A01), with a public redacted version (F00999/A03). A public lesser redacted version (F01296/A03) and a public further lesser redacted version (F01323/A01) were filed, respectively, on 15 February 2023 and 27 February 2023.

¹² See for example, F00372, Pre-Trial Judge, *Decision on Review of Detention of Rexhep Selimi* ("Second Detention Decision"), 25 June 2021, confidential, para. 19 (a public redacted version was filed on 30 June 2021, F00372/RED).

10. Absent any new material circumstances affecting the above finding, the Panel finds that there continues to be a grounded suspicion that Mr Selimi has committed crimes within the subject-matter jurisdiction of the SC for the purposes of Article 41(6)(a) and (10).

2. Necessity of Detention

11. With respect to the grounds for continued detention, Article 41(6)(b) sets out three alternative bases (risks) on which detention may be found to be necessary: (i) risk of flight; (ii) risk of obstruction of the proceedings; or (iii) risk of further commission of crimes.¹³ These grounds must be “articulable” in the sense that they must be specified in detail by reference to the relevant information or evidence.¹⁴ In determining whether any of the grounds under Article 41(6)(b) allowing for a person’s detention exist, the standard to be applied is less than certainty, but more than a mere possibility of a risk materialising.¹⁵

(a) Risk of Flight

12. The SPO submits that Mr Selimi continues to satisfy the applicable risk of flight standard. Specifically, the SPO asserts that Mr Selimi: (i) is aware of the charges against him and the possibility of a serious sentence, if convicted; and (ii) now has full knowledge about the evidence against him. The SPO adds that the expeditious progression of the trial and conclusion of the SPO’s and Victims’

¹³ Cf. ECtHR, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, [Judgment](#), 5 July 2016 (“*Buzadji v. the Republic of Moldova* [GC]”), para. 88; ECtHR, *Zohlandt v. the Netherlands*, no. 69491/16, 9 February 2021, [Judgment](#), para. 50; ECtHR, *Grubnyk v. Ukraine*, no. 58444/15, 17 September 2020, [Judgment](#), para. 115; ECtHR, *Korban v. Ukraine*, no. 26744/16, 4 July 2019, [Judgment](#), para. 155.

¹⁴ Article 19.1.31 of the Kosovo Criminal Procedure Code 2022, Law No. 08/L-032 defines “articulable” as: “the party offering the information or evidence must specify in detail the information or evidence being relied upon”. See also IA003/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi’s Appeal Against Decision on Interim Release* (“First Appeals Decision on Selimi’s Detention”), 30 April 2021, confidential, para. 43 (a public redacted version was filed on the same day, IA003/F00005/RED).

¹⁵ First Appeals Decision on Selimi’s Detention, para. 40.

Counsel's cases mean that the possible imposition of a sentence against Mr Selimi becomes more concrete.¹⁶ The SPO further contends that Mr Selimi is also aware "of the evidence of conduct that has necessitated modification of his conditions of detention, which the Panel has acknowledged may undermine or undo its prior finding that he has cooperated with relevant authorities."¹⁷ Lastly, the SPO argues that all of the above must be considered in the context of prior findings concerning Mr Selimi's means to travel.¹⁸

13. The Panel notes that the SPO is putting forward substantially the same arguments that this Panel has already considered and rejected in relation to this issue.¹⁹ In this regard, the Panel recalls the finding of the Court of Appeals Panel that the Pre-Trial Judge should not be expected to entertain submissions that merely repeat arguments that have already been addressed in previous decisions.²⁰ The Panel considers that this principle applies equally to the current stage of the proceedings, and it has not found any additional factor sufficiently compelling to affect the previous finding regarding the risk of flight.²¹

14. Therefore, while the risk of flight can never be completely ruled out, the Panel finds that Mr Selimi's continued detention may not be justified at this time on the ground of the risk of flight as set out in Article 41(6)(b)(i).

¹⁶ SPO Submissions, para. 12.

¹⁷ SPO Submissions, para. 12 referring to F02060, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi*, 15 January 2024, para. 13.

¹⁸ SPO Submissions, para. 12.

¹⁹ See Twenty-Second Detention Decision, paras 19-22; SPO Submissions, para. 12.

²⁰ KSC-BC-2020-04, IA003/F00005/RED, Court of Appeals Panel, *Public Redacted Version of Decision on Pjetër Shala's Appeal Against Decision on Review of Detention ("Shala Appeal Decision")*, 11 February 2022, para. 18.

²¹ See Twenty-Second Detention Decision, paras 20-22. See also *Shala Appeal Decision*, para. 18, holding that a panel may refer to findings in prior decisions if it is satisfied that the evidence or information underpinning those decisions still supports the findings made at the time of the review.

(b) Risk of Obstructing the Progress of SC Proceedings

15. The SPO submits that Mr Selimi continues to pose a risk of obstructing the proceedings also upon the conclusion of the SPO's case, as witnesses can remain at risk of obstruction even after their testimony.²² The SPO recalls that the Panel reiterated its determination that: (i) Mr Selimi enjoys a position of influence considering his past and present influential positions in Kosovo, including as Minister of Internal Affairs and having been elected to the Kosovo Assembly; (ii) there is a persistent climate of intimidation of witnesses and interference with criminal proceedings against former Kosovo Liberation Army ("KLA") members; and (iii) the proceedings continue to advance and Mr Selimi continues to gain insight into the evidence underpinning the serious charges against him.²³

16. The SPO adds that a general climate of witness interference persists in Kosovo regarding this case, which the Court of Appeals Panel has agreed is a relevant consideration.²⁴

17. Lastly, the SPO submits that the Panel has previously noted the risk of highly sensitive information, in particular pertaining to witnesses, becoming known to a broader range of persons, including the public, and that such risk has now materialised as it appears that Mr Selimi disclosed privileged information to unauthorised third parties resulting in the Panel modifying Mr Selimi's detention conditions.²⁵

18. The Panel has already determined and reiterates that: (i) Mr Selimi continues to enjoy a position of influence in Kosovo from his former and current functions,

²² SPO Submissions, para. 13, with further references.

²³ SPO Submissions, para. 14.

²⁴ SPO Submissions, para. 15, with further references.

²⁵ SPO Submissions, paras 16-17 referring to F01977, Panel, *Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi* ("Decision Modifying Detention Conditions"), 1 December 2023, paras 41, 51-53, 55-60, 62-64, 66-72, 74-78, 84(b); F03308, Panel, *Decision Reviewing the Conditions of Detention Modified in F01977* ("Decision Reviewing the Modified Detention Conditions"), 4 July 2025, confidential, paras 71-71, 91-92.

including as Minister of Internal Affairs and having been elected to the Kosovo Assembly;²⁶ (ii) there is a persisting climate of intimidation of witnesses and interference with criminal proceedings against former KLA members;²⁷ and (iii) through the advancement of the proceedings Mr Selimi has gained insight into the evidence underpinning the serious charges against him.²⁸

19. As previously noted, the names and personal details of certain highly sensitive witnesses have been disclosed to the Selimi Defence, and have therefore become known to a broader range of persons, including the Accused. This, in turn, increases the risk that sensitive information pertaining to witnesses becomes known to members of the public. In this context, the Panel considers that, regardless of the current stage of this case, the release of an Accused with sensitive information in his possession would not be conducive to the effective protection of witnesses who already testified in these proceedings, or who may testify in parallel ones. In this regard, the Panel recalls its finding, which was upheld by the Court of Appeals Panel,²⁹ that the risk of interference which detention seeks to prevent also includes any attempt to retaliate against or incentivise to recant

²⁶ See for example, F00179, Pre-Trial Judge, *Decision on Rexhep Selimi's Application for Interim Release* ("First Detention Decision"), 22 January 2021, confidential, para. 37 (a public redacted version was filed on 26 January 2021, F00179/RED); First Appeals Decision on Selimi's Detention, para. 63; Second Detention Decision, para. 40; Second Appeals Decision on Selimi's Detention, paras 33-34; Third Detention Decision, para. 33; F00802, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi* ("Fourth Detention Decision"), 13 May 2022, confidential, para. 31 (a public redacted version was filed on 24 May 2022, F00802/RED); F01213, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi* ("Seventh Detention Decision"), 17 January 2023, confidential, paras 23-24 (a public redacted version was filed on 18 January 2023, F01213/RED)..

²⁷ See for example, First Detention Decision, para. 42; Second Detention Decision, para. 41; Third Detention Decision, para. 34; Fourth Detention Decision, para. 32; Seventh Detention Decision, paras 23-24; Twenty-Second Detention Decision, para. 26.

²⁸ See for example, Fourth Detention Decision, para. 33; F00979, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi*, 19 September 2022, confidential, para. 29 (a public redacted version was filed on 30 September 2022, F00979/RED); F01111, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi*, 18 November 2022, confidential, para. 27 (a public redacted version was filed on the same day, F01111/RED); Seventh Detention Decision, paras 23-24; Twenty-Second Detention Decision, para. 26.

²⁹ 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* ("Appeals Decision on the Twenty-First Detention Decision"), 13 August 2025, paras 47-54, footnote 140.

witnesses who have already testified, as well as attempts to interfere with witnesses in parallel proceedings.³⁰

20. The Panel further recalls its finding that it appears that Mr Selimi disclosed privileged information to unauthorised third parties.³¹ Such conduct supports and reinforces the Panel's finding that the release of Mr Selimi constitutes a risk of obstruction with the progress of SC proceedings.³²

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

(c) Risk of Committing Further Crimes

22. The SPO submits that Mr Selimi continues to present a risk of committing further crimes. Specifically, the SPO recalls the Panel's finding that the factors assessed as to whether there is a risk of obstructing proceedings under Article 41(6)(b)(ii) are also relevant when considering whether there is a risk of further crimes were Mr Selimi to be released.³³ The SPO submits that there is an unacceptable risk given the finding that Mr Selimi has divulged confidential information, the conclusion of the SPO's case, and the continued progression of the trial.³⁴ The SPO adds that the crimes against humanity and war crimes that Mr Selimi is charged with are extremely serious, and they are alleged to have been committed in cooperation with others as well as personally by Mr Selimi.³⁵

³⁰ F03175, Panel, *Consolidated Decision on Selimi Defence Request for Provisional Release and on Periodic Review of Detention of Rexhep Selimi* ("Twenty-First Detention Decision"), 13 May 2025, confidential, para. 36 (a corrected version and a public redacted corrected version were filed on 11 June 2025, F03175/COR and F03175/COR/RED, respectively). *See also* Twenty-Second Detention Decision, para. 27.

³¹ Decision Modifying Detention Conditions, paras 35-37.

³² Twenty-First Detention Decision, para. 38; Appeals Decision on the Twenty-First Detention Decision, paras 50, 53. *See also* Twenty-Second Detention Decision, para. 28.

³³ SPO Submissions, paras 19-20.

³⁴ SPO Submissions, para. 22.

³⁵ SPO Submissions, para. 21.

23. The Panel recalls its finding in the Twenty-Second Detention Decision, and taking into account the current stage of the proceedings, still considers that the risk of Mr Selimi committing further crimes continues to exist.³⁶ Moreover, the Panel finds that the same factors that were taken into account in relation to the risk of obstruction above are relevant to the analysis of the risk of Mr Selimi committing further crimes.³⁷ The Panel notes that there is no new information since the Twenty-Second Detention Decision that would lead to a different conclusion.

24. The Panel considers that, taking all factors together, there continues to be a risk that Mr Selimi will commit further crimes as set out in Article 41(6)(b)(iii).

3. Conclusion

25. The Panel concludes that at this time there continues to be insufficient information before it justifying a finding that Mr Selimi may abscond from justice. However, the Panel is satisfied, based on the relevant standard, that there is a risk that Mr Selimi will obstruct the progress of SC proceedings or commit further crimes against those perceived as being opposed to the KLA, including witnesses who have provided evidence in the case and/or may be called in parallel proceedings. The Panel will assess below whether these risks can be adequately addressed by any conditions for Mr Selimi's release.

B. MEASURES ALTERNATIVE TO DETENTION

26. The SPO submits that no alternative measures sufficiently mitigate the Article 41(6)(b) risks posed by Mr Selimi. The SPO recalls that the Panel found that the risks of obstructing the proceedings and committing further offences can only

³⁶ Twenty-Second Detention Decision, para. 31.

³⁷ See *above* paras 18-21; Twenty-Second Detention Decision, para. 31.

be effectively managed at the SC detention facilities (“SC Detention Facilities”).³⁸ The SPO adds that nothing has occurred since the Twenty-Second Detention Decision warranting a different assessment. Rather, Mr Selimi’s conduct represents such an extraordinarily heightened risk that the Panel modified the detention conditions to impose stricter conditions.³⁹

27. When deciding on whether a person should be released or detained, the Panel must consider alternative measures to prevent the risks in Article 41(6)(b).⁴⁰ Article 41(12) sets out a number of options to be considered in order to ensure the accused’s presence at trial, to prevent reoffending or to ensure successful conduct of proceedings. In this respect, the Panel recalls that detention should only be continued if there are no alternative, more lenient measures reasonably available that could sufficiently mitigate the risks set out in Article 41(6)(b).⁴¹ The Panel must therefore consider all reasonable alternative measures that could be imposed and not only those raised by the Parties.⁴²

28. As regards the risks of obstructing the progress of SC proceedings and committing further crimes, the Panel finds that none of the previously proposed conditions, nor any additional measures foreseen in Article 41(12) ordered *proprio motu* could at this stage in the proceedings sufficiently mitigate the existing risks.⁴³

³⁸ SPO Submissions, paras 23-26, referring to Twenty-Second Detention Decision, paras 36-37.

³⁹ SPO Submissions, para. 27.

⁴⁰ As regards the obligation to consider “alternative measures”, see KSC-CC-PR-2017-01, F00004, Specialist Chamber of the Constitutional Court, *Judgment on the Referral of the Rules of Procedure and Evidence Adopted by Plenary on 17 March 2017 to the Specialist Chamber of the Constitutional Court Pursuant to Article 19(5) of Law no. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office* (“SCCC 26 April 2017 Judgement”), 26 April 2017, para. 114. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC], para. 87 *in fine*; ECtHR, *Idalov v. Russia* [GC], no. 5826/03, [Judgment](#), 22 May 2012 (“*Idalov v. Russia* [GC]”), para. 140 *in fine*.

⁴¹ SCCC 26 April 2017 Judgment, para. 114; KSC-CC-PR-2020-09, F00006, Specialist Chamber of the Constitutional Court, *Judgment on the Referral of Amendments to the Rules of Procedure and Evidence Adopted by the Plenary on 29 and 30 April 2020*, 22 May 2020, para. 70. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC], para. 87 *in fine*; ECtHR, *Idalov v. Russia* [GC], para. 140 *in fine*.

⁴² First Appeals Decision on Selimi’s Detention, para. 86.

⁴³ See for example, Third Detention Decision, para. 72; IA015/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi’s Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention* (“Third Appeals Decision on Selimi’s Detention”), 25 March 2022, confidential, paras 33-44, 48-52, 61 (a

In particular, the Panel considers that the recording mechanisms in place at the SC Detention Facilities, and the staff of the Registrar, seen as a whole, provide robust assurances against the risks associated with unmonitored forms of communications, such as written messages or in-person exchanges, and communications with family members and pre-approved visitors.⁴⁴ Moreover, the measures in place at the SC Detention Facilities offer a controlled environment where a potential breach of confidentiality could be more easily identified and/or prevented,⁴⁵ considering, for example, the Registrar's powers to refuse visits and impose proportionate and necessary measures to address any credible risks of confidential information being disclosed.⁴⁶

29. In light of the foregoing, the Panel concludes that it is only through the communication monitoring framework applicable at the SC Detention Facilities, including those additional measures ordered by the Panel,⁴⁷ that Mr Selimi's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.⁴⁸ In these circumstances, the Panel finds that there are no alternatives to Mr Selimi's continued detention capable of adequately averting the risks in Article 41(6)(b)(ii) and (iii).

public redacted version was filed on the same day, IA015/F00005/RED); Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 39; Twenty-First Detention Decision, para. 60; Twenty-Second Detention Decision, para. 36.

⁴⁴ See for example, Third Detention Decision, para. 72; Third Appeals Decision on Selimi's Detention, paras 33-44, 48-52, 61; Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 38; Twenty-First Detention Decision, para. 59; Twenty-Second Detention Decision, para. 36.

⁴⁵ See for example, Third Detention Decision, para. 61; Third Appeals Decision on Selimi's Detention, para. 42; Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 38; Twenty-First Detention Decision, para. 59; Twenty-Second Detention Decision, para. 36.

⁴⁶ Twenty-Second Detention Decision, para. 36; Twenty-First Detention Decision, para. 59; F02115, Panel, *Decision on Registry Notification in Relation to Court-Ordered Protective Measures and Request for Guidance Pursuant to Decision F01977*, 9 February 2024, confidential, para. 32 (a public redacted version was filed on the same day, F02115/RED).

⁴⁷ See Decision Modifying Detention Conditions, paras 51-53, 55-59, 62-64, 66-74, 77-78, 84(c); Decision Reviewing the Modified Detention Conditions, paras 64-67, 70-76, 78-79, 82-85, 91-97, 99-101, 103-105, 113(b)-(c).

⁴⁸ See for example, Third Detention Decision, para. 61; Third Appeals Decision on Selimi's Detention, para. 42; Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 38; Twenty-First Detention Decision, para. 61; Twenty-Second Detention Decision, para. 37.

C. REASONABLENESS OF DETENTION

30. The SPO submits that, taking all factors into consideration, Mr Selimi's detention continues to be reasonable.⁴⁹ To that end, the SPO refers to the Panel's finding that: (i) Mr Selimi has been charged with ten counts of serious international crimes, and it is alleged that he played a significant role in their preparation; (ii) there may be a lengthy sentence, if convicted; (iii) the proceedings are complex; (iv) the risks under Article 41(6)(b)(ii)-(iii) cannot be adequately mitigated by measures short of detention; (v) there is a climate of witness intimidation; and (vi) the trial is ongoing.⁵⁰

31. The Panel recalls that the reasonableness of an accused's continued detention must be assessed on the facts of each case and according to its special features at the time when such an assessment is being made.⁵¹ In the Panel's estimation, the special features in this case include: (i) Mr Selimi is charged with ten counts of serious international crimes in which he is alleged to play a significant role;⁵² (ii) if convicted, Mr Selimi could face a lengthy sentence; (iii) the risks under Article 41(6)(b)(ii) and (iii) cannot be mitigated by any proposed conditions and/or any other conditions;⁵³ (iv) the case against Mr Selimi is complex;⁵⁴ (v) the climate of witness intimidation outlined above; and (vi) the ongoing nature of trial proceedings.

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

⁴⁹ SPO Submissions, paras 28, 30.

⁵⁰ SPO Submissions, para. 29.

⁵¹ Seventh Detention Decision, para. 42, with further references.

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

⁵³ *See above* para. 29.

⁵⁴ Third Detention Decision, para. 79, with further references; Twenty-Second Detention Decision, para. 39.

33. The Panel acknowledges that Mr Selimi has already been in detention for a significant period of time, and the trial in this case is lengthy. While the Panel is mindful of the serious consequences of prolonged detention on the psychological well-being of detainees, this does not affect its findings that there are continuing risks of obstructing the proceedings and of committing further crimes which cannot be sufficiently mitigated by the application of reasonable alternative measures.⁵⁵ The Panel will continue to monitor at every stage in these proceedings whether continued detention is necessary and reasonable.

V. DISPOSITION

34. For the above-mentioned reasons, the Panel hereby:

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



Judge Charles L. Smith, III

Presiding Judge

Dated this Tuesday, 18 November 2025

At The Hague, the Netherlands.

⁵⁵ Twenty-Second Detention Decision, para. 41.