



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

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

Before: Single Trial Judge
Judge Christopher Gosnell

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

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Language: English

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Prosecution Submissions pursuant to Decision F00504

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I. INTRODUCTION

1. The circumstances underpinning Decision F00382¹ and Decision F00504,² and the well-grounded findings therein, continue to prevail at this time. Accordingly, the restrictions imposed upon the detention conditions of Hashim THAÇI must be maintained.

2. In Decision F00382, on the Specialist Prosecutor's Office ('SPO') Request,³ the Pre-Trial Judge ('PTJ') found it necessary and proportional to prohibit THAÇI from receiving non-privileged visits from the 'Visitors of Concern' due to credible indications of prior abuses within the Kosovo Specialist Chambers ('KSC') Detention Centre ('DC').⁴ In Decision F00504, the PTJ remained satisfied that these restrictions were still necessary, proportionate and compatible with THAÇI's rights,⁵ and recalled that they should be reviewed every three months.⁶

II. SUBMISSIONS

3. The applicable law and general principles guiding Decision F00382 and Decision F00504 are not in dispute,⁷ such that the entire framework need not be exhaustively

¹ Public Redacted Version of Corrected Version of Decision on Specialist Prosecutor's Request for Modification of Hashim Thaçi's detention conditions, KSC-BC-2023-12/F00382/COR/RED, 18 August 2025 (Original dated 18 July 2025), ('Decision F00382').

² Public Redacted Version of Decision on Hashim Thaçi's Detention Conditions, KSC-BC-2023-12/F00504/RED, 7 November 2025 (Original dated 16 October 2025) ('Decision F00504').

³ Public redacted version of 'Prosecution request to modify detention conditions with confidential Annex 1', KSC-BC-2023-12/F00308/RED, 22 July 2025 (Original dated 20 May 2025) ('Request'); *See also* Prosecution submissions pursuant to Decision F00382, KSC-BC-2023-12/F00388, 22 July 2025 (Reclassified as Public on 18 August 2025).

⁴ *See generally* Decision F00382, KSC-BC-2023-12/F00382/COR/RED (at para.23, the Visitors of Concern are defined).

⁵ Decision F00504, KSC-BC-2023-12/F00504/RED, para.45.

⁶ *See* Decision F00504, KSC-BC-2023-12/F00504/RED, paras 43, 49(c). *See also* Decision F00382 KSC-BC-2023-12/F00382/COR/RED, para.43.

⁷ *See*: Decision F00382, KSC-BC-2023-12/F00382/COR/RED, paras 14-16, 19-22; Decision F00504, KSC-BC-2023-12/F00504/RED, paras 15-18, 22.

recalled. Ultimately, pursuant to Rule 56(6) of the Rules,⁸ an accused's conditions of detention may be modified, including the imposition of necessary and proportionate restrictions on his communications, for the purpose of protecting witnesses or victims, confidential information or the integrity of the proceedings.⁹

4. The submissions required at this time are only whether the restrictions imposed by Decision F00382 and continued by Decision F00504 remain necessary and proportionate and should therefore be maintained. As set out below, that is the case.

5. THAÇI is charged in this case with leading and engaging in a pattern of conduct to obstruct KSC-BC-2020-06 ('Case 6') through, *inter alia*, his non-privileged visits at the DC.¹⁰ This includes his repeated and purposeful revelation, without authorisation, of protected information, and the encouragement of multiple visitors to receive and memorise his precise instructions and to contact certain witnesses for the purpose of unlawfully influencing their Case 6 testimony, during non-privileged DC visits.¹¹ It is these charges, in conjunction with the conduct of THAÇI and the Visitors of Concern during non-privileged DC visits, which appropriately leads to the restrictions imposed by Decision F00382 and continued by Decision F00504. More specifically, the PTJ previously determined that there are credible allegations that the Visitors of Concern: (i) participated in non-privileged DC visits where THAÇI disclosed confidential and/or protected information; and (ii) engaged in, or could engage in,

⁸ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

⁹ *See for example*: Decision F00504, KSC-BC-2023-12/F00504/RED, para.17; Decision F00382, KSC-BC-2023-12/F00382/COR/RED, para.16.

¹⁰ *See generally* Public Redacted Amended Confirmed Indictment, KSC-BC-2023-12/F00264/A02, 16 April 2025. *See also*, Decision F00504, KSC-BC-2023-12/F00504/RED, para.23.

¹¹ Decision F00504, KSC-BC-2023-12/F00504/RED, para.23. *See also*: Decision F00382, KSC-BC-2023-12/F00382/COR/RED, para.24; Public Redacted Version of Decision on the Confirmation of the Indictment, KSC-BC-2023-12/F00036/RED, 12 February 2025 (Original dated 29 November 2024) ('Confirmation Decision'), para.268. Notably, the Visitors of Concern include individuals named in the Confirmation Decision.

conduct incompatible with the integrity of proceedings and/or the regulations of detention.¹²

6. In Decision F00504, the PTJ found that no new element was present which would disturb the findings of Decision F00382, and that there remained a risk of further unlawful disclosure of confidential information related to witnesses.¹³ In short, the credible allegations described above remain clear and present. That conclusion – along with the continued risk that THAÇI will obstruct KSC proceedings, such that his detention is necessary¹⁴ – remains appropriate at this time.

7. As held by the PTJ:

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.¹⁵

At this time, the factors serving as the foundation for Decision F00382 and Decision F00504 remain wholly applicable in support of this legitimate aim. Simply put, a continued prohibition on non-privileged visits by the Visitors of Concern remains: (i) necessary to mitigate the risk of further unlawful disclosure;¹⁶ and (ii) proportional, as it is narrowly limited to the individuals for which credible indications of risk exist, and does not unduly infringe upon THAÇI's rights (*e.g.*, to receive other visitors).¹⁷ These factors must also be considered against the backdrop of the pervasive climate of fear and intimidation in Kosovo against (potential) witnesses, including that THAÇI's risk of exerting pressure on such persons 'remains particularly high'.¹⁸

¹² Decision F00382, KSC-BC-2023-12/F00382/COR/RED, paras 25-27; Decision F00504, KSC-BC-2023-12/F00504/RED, para.25.

¹³ Decision F00504, KSC-BC-2023-12/F00504/RED, paras 26, 30.

¹⁴ Fifth Detention Decision on Review of Detention of Hashim Thaçi, KSC-BC-2023-12/F00476, 3 October 2025, para.18. *See also* Decision F00504, KSC-BC-2023-12/F00504/RED, para.30.

¹⁵ Decision F00504, KSC-BC-2023-12/ F00504/RED, para.33.

¹⁶ *See* Decision F00504, KSC-BC-2023-12/ F00504/RED, paras 28-39.

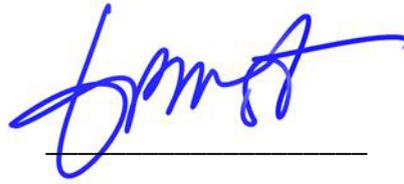
¹⁷ *See* Decision F00504, KSC-BC-2023-12/ F00504/RED, paras 40-44.

¹⁸ *See* Decision F00382, KSC-BC-2023-12/F00382/COR/RED, para.30.

III. RELIEF REQUESTED

8. For the foregoing reasons, the SPO requests that the Single Trial Judge maintain the restrictions on THAÇI's conditions of detention imposed by Decision F00382 and continued by Decision F00504, for a further period of three months.¹⁹

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Monday, 1 December 2025

At The Hague, the Netherlands

¹⁹ See Decision F00504, KSC-BC-2023-12/F00504/RED para.43.