



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:** 16 January 2026

**Language:** English

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**Decision on Periodic Review of Detention of Kadri Veseli**

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

## I. PROCEDURAL BACKGROUND

1. The procedural background concerning the periodic review of the detention of Kadri Veseli (“Mr Veseli” or “Accused”) has been set out extensively in previous decisions concerning the same issue. Relevant events since the twenty-third review of Mr Veseli’s detention on 18 November 2025 (“Twenty-Third Detention Decision”) include the below.<sup>1</sup>
2. On 2 December 2025, the Defence for Hashim Thaçi and the Defence for Jakup Krasniqi filed notices announcing the closing of their cases.<sup>2</sup>
3. On 18 December 2025, the Panel closed the evidentiary proceedings.<sup>3</sup>
4. On 19 December 2025, the Supreme Court Panel issued a decision dismissing a request by Mr Veseli for protection of legality.<sup>4</sup>
5. On 19 December 2025, the Specialist Prosecutor’s Office (“SPO”) filed its submissions on the twenty-third review of Mr Veseli’s detention (“SPO Submissions”).<sup>5</sup>
6. The Defence for Mr Veseli did not respond.

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<sup>1</sup> F03588, Panel, *Decision on Periodic Review of Detention of Kadri Veseli*, 18 November 2025.

<sup>2</sup> F03609, Specialist Counsel, *Thaçi Defence Notice pursuant to Rule 131*, 2 December 2025; F03611, Specialist Counsel, *Krasniqi Defence Notice of the Closure of its Case pursuant to Rule 131*, 2 December 2025.

<sup>3</sup> F03639, Panel, *Notice Regarding the Close of Evidentiary Proceedings*, 18 December 2025.

<sup>4</sup> PL002/F00005, Supreme Court Panel, *Decision on Mr Veseli’s Request for Protection of Legality*, 19 December 2025.

<sup>5</sup> F03641, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Kadri Veseli*, 19 December 2025.

## II. SUBMISSIONS

7. The SPO submits that the Pre-Trial Judge, the Court of Appeals Panel and this Panel have each determined that Mr Veseli's detention is justified.<sup>6</sup> The SPO argues that since the last review of Mr Veseli's detention there has been no material change in circumstances that would warrant a different conclusion.<sup>7</sup> The SPO submits that the progression of the trial and related developments decisively confirm the necessity of detention.<sup>8</sup> Lastly, the SPO avers that no conditions short of detention in the Specialist Chambers' ("SC") detention facilities ("SC Detention Facilities") would be sufficient to minimise risks associated with the Accused's release,<sup>9</sup> and that detention remains proportional in the circumstances.<sup>10</sup>

## III. APPLICABLE LAW

8. The law applicable to deciding the present matter is set out primarily in Article 41 of the Law and Rules 56 and 57 of the Rules and has been laid out extensively in earlier decisions. The Panel will apply these standards to the present decision.<sup>11</sup>

## IV. DISCUSSION

9. The purpose of the bi-monthly review of detention pursuant to Article 41(10) is to determine whether the reasons for detention on remand still exist.<sup>12</sup> A change

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<sup>6</sup> SPO Submissions, para. 1.

<sup>7</sup> SPO Submissions, paras 1, 10.

<sup>8</sup> SPO Submissions, para. 1.

<sup>9</sup> SPO Submissions, paras 1, 25-29.

<sup>10</sup> SPO Submissions, paras 1, 30-32.

<sup>11</sup> See for example, F00576, Pre-Trial Judge, *Decision on Remanded Detention Review Decision and Periodic Review of Detention of Kadri Veseli*, 23 November 2021, confidential, para. 41, with further references (a public redacted version was issued on 8 December 2021, F00576/RED).

<sup>12</sup> 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 issued on the same date, IA022/F00005/RED).

in circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.<sup>13</sup>

10. The Panel's assessment is limited to a review of the factors previously considered pursuant to Article 41(6), and a determination of whether these circumstances continue to exist in the absence of any intervening developments and justify the continued detention of Mr Veseli.

#### A. ARTICLE 41 CRITERIA

##### 1. Grounded Suspicion

11. 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 SC. This is a condition *sine qua non* for the validity of the detained person's continued detention.<sup>14</sup>

12. The SPO submits that the Article 41(6)(a) criterion is still met. In its view, nothing has occurred since the confirmation decisions that would detract from the determination that there is a grounded suspicion that Mr Veseli is criminally liable for crimes contained in the amended indictment. The SPO further submits that it has been repeatedly confirmed that there remains a well-grounded suspicion that Mr Veseli has committed crimes within the SC's jurisdiction.<sup>15</sup>

13. The Panel notes that, pursuant to Article 39(2), the Pre-Trial Judge determined that there is a well-grounded suspicion that Mr Veseli is criminally liable for a number of crimes against humanity (persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance) and war crimes

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<sup>13</sup> IA010/F00008, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention*, 27 October 2021, confidential, para. 19 (a public redacted version was issued on the same date, IA010/F00008/RED).

<sup>14</sup> See, ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, [Judgment](#), 28 November 2017, para. 222.

<sup>15</sup> SPO Submissions, para. 11.

(arbitrary detention, cruel treatment, torture and murder) under Articles 13, 14(1)(c) and 16(1)(a).<sup>16</sup> Moreover, the Pre-Trial Judge found that a well-grounded suspicion is also established with regard to the new charges brought by the SPO against Mr Veseli with the requested amendments to the indictment.<sup>17</sup> The Panel further recalls that these findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a).<sup>18</sup>

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

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<sup>16</sup> 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.

<sup>17</sup> 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 ("Confirmed Indictment"), strictly confidential and *ex parte* (F00789/A01), with confidential redacted (F00789/A02) and public redacted (F00789/A05) versions. A further confidential amended Confirmed Indictment was filed on 30 September 2022, (F00999/A01) and public redacted version (F00999/A03). A public lesser redacted version of the Confirmed Indictment was filed on 15 February 2023 (F01296/A03) and on 27 February 2023 (F01323/A01).

<sup>18</sup> IA008/F00004, Court of Appeals Panel, *Decision on Kadri Veseli's Appeal Against Decision on Review of Detention*, 1 October 2021, confidential, para. 21 (a public redacted version was filed on the same day, IA008/F00004/RED).

## 2. Necessity of Detention

15. 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 the further commission of crimes.<sup>19</sup> Detention shall be maintained if there are articulable grounds to believe that one or more of these risks will materialise.<sup>20</sup> The Panel notes that “articulable” in this context means specified in detail by reference to the relevant information or evidence.<sup>21</sup> 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.<sup>22</sup>

### (a) Risk of Flight

16. The SPO submits that Mr Veseli continues to present a risk of flight as he is aware of the serious confirmed charges against him, the potential of a long sentence, and of the evidence presented in relation to those crimes. The SPO argues that the possible imposition of a lengthy sentence becomes more concrete with the expeditious progression of trial and the conclusion of the evidentiary proceedings.<sup>23</sup> The SPO also argues that Mr Veseli is aware of evidence of conduct

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<sup>19</sup> 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.

<sup>20</sup> IA004/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi’s Appeal Against Decision on Interim Release* (“Thaçi Interim Release Appeal Decision”), 30 April 2021, confidential, para. 19 (a public redacted version was issued on the same date, IA004/F00005/RED).

<sup>21</sup> 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”.

<sup>22</sup> Thaçi Interim Release Appeal Decision, para. 22.

<sup>23</sup> SPO Submissions, para. 13.

that has necessitated modification of his conditions of detention.<sup>24</sup> The SPO submits that all of these circumstances must be taken into consideration in relation to prior findings concerning Mr Veseli's means to travel. Lastly, the SPO submits that the combination of all these factors elevates Mr Veseli's risk of flight to a "sufficiently real possibility".<sup>25</sup>

17. The Panel notes that the SPO is putting forward substantially the same arguments that the Panel has already considered and rejected in relation to the following issues: (i) Mr Veseli's awareness of the seriousness of the confirmed charges against him; (ii) the potential of a long sentence; (iii) the evidence presented against him; (iv) the expeditious progression of trial; and (v) Mr Veseli's awareness of the modification of his condition of detention.<sup>26</sup> 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 review decisions.<sup>27</sup> This applies equally to this Panel.

18. In respect of the SPO's argument that the conclusion of the evidentiary proceedings is among the factors elevating Mr Veseli's risk of flight, the Panel recalls its previous findings that the closing of the SPO's and Victims' Counsel's cases does not mean that the possible imposition of a sentence against Mr Veseli becomes more concrete, as several procedural steps remain and Mr Veseli continues to enjoy the presumption of innocence.<sup>28</sup> Similarly, the Panel considers that the conclusion of the evidentiary proceedings does not affect the Accused's

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<sup>24</sup> SPO Submissions, para. 13.

<sup>25</sup> SPO Submissions, para. 13.

<sup>26</sup> See Twenty-Third Detention Decision, para. 14.

<sup>27</sup> 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.

<sup>28</sup> F03483, Panel, *Decision on Periodic Review of Detention of Kadri Veseli*, 18 September 2025, para. 21; F03177, Panel, *Decision on Veseli Defence Request for Provisional Release* ("Provisional Release Decision"), 13 May 2025, confidential, para. 25 (a corrected and a public corrected version were filed on 11 June 2025, F03177/COR and F03177/COR/RED).

enjoyment of the presumption of innocence, and, in itself, does not make the possible imposition of a sentence against Mr Veseli more concrete. In light of the above, the Panel has not found any additional factor sufficiently compelling to affect the previous finding regarding the risk of flight.<sup>29</sup>

19. The Panel therefore finds that, while the risk of flight can never be completely ruled out, Mr Veseli's continued detention is not justified at this time on the ground of the risk of flight pursuant to Article 41(6)(b)(i).

(b) Risk of Obstructing the Progress of SC Proceedings

20. With reference to previous findings by the Panel and the Court of Appeals Panel, the SPO submits that Mr Veseli continues to present a risk of obstructing the proceedings.<sup>30</sup> The SPO argues that conclusion of the evidentiary proceedings does not obviate this risk, as the Accused now have knowledge of the full scope of the case against them and witnesses remain at risk of obstruction even after their testimony.<sup>31</sup>

21. The SPO further argues that there is a persistent climate of intimidation of witnesses and interference with criminal proceedings against former Kosovo Liberation Army ("KLA") members in Kosovo, which the Court of Appeals has agreed is a relevant "contextual consideration".<sup>32</sup> Furthermore, the SPO notes the Panel's previous finding that the disclosure of highly sensitive information to Mr Veseli necessarily results in it becoming known to a broader range of persons,<sup>33</sup> and, therefore, the release of an Accused with this information would not be

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<sup>29</sup> Twenty-Third Detention Review, para. 14; *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.

<sup>30</sup> SPO Submissions, paras 14-16, with further references.

<sup>31</sup> SPO Submissions, para. 14.

<sup>32</sup> SPO Submissions, para. 17.

<sup>33</sup> SPO Submissions, para. 15.

conducive to the effective protection of witnesses who are yet to testify.<sup>34</sup> In this regard, the SPO submits that the risk of confidential information being unlawfully revealed by Mr Veseli has already been realised, resulting in the Panel modifying the conditions of detention.<sup>35</sup> According to the SPO, this demonstrates that the risk of obstruction is not only well-founded but that Mr Veseli presents an heightened risk of obstructing the proceedings.<sup>36</sup>

22. The Panel calls attention to the standard applied in assessing the risks under Article 41(6)(b), which does not require a “concrete example” of a situation in which Mr Veseli has personally intimidated or harassed a witness.<sup>37</sup>

23. The Panel has already determined and maintains the view that: (i) Mr Veseli’s ability to give instructions to an individual interacting with the SC and, in doing so, he directly intervened in a matter involving the SC; (ii) Mr Veseli continues to play a significant role in Kosovo on the basis of the previous positions he occupied, which would continue to allow him to, for instance, access information or elicit the support of others; (iii) while Mr Veseli was at the head of the Kosovo Intelligence Service (“SHIK”), members of the SHIK were involved in witness interference; and (iv) through the advancement of the proceedings Mr Veseli has gained insight into the evidence underpinning the serious charges against him.<sup>38</sup>

24. The Panel maintains its view that, the names and personal details of certain highly sensitive witnesses have been disclosed to the Defence and have therefore become known to a broader range of people, including the Accused.<sup>39</sup> This, in turn,

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<sup>34</sup> SPO Submissions, para. 15.

<sup>35</sup> SPO Submissions, para. 18.

<sup>36</sup> SPO Submissions, para. 19.

<sup>37</sup> See for example, IA003/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi’s Appeal Against Decision on Interim Release* (“Selimi Court of Appeals Decision on Interim Release”), 30 April 2021, confidential, para. 59 (a public redacted version was issued on the same day, IA003/F00005/RED).

<sup>38</sup> See F01303, Panel, *Decision on Periodic Review of Detention of Kadri Veseli*, 17 February 2023, para. 24 (with further references); Twenty-Third Detention Decision, para. 19; Provisional Release Decision, para. 30.

<sup>39</sup> Twenty-Third Detention Decision, para. 20.

increases the risk of sensitive information pertaining to witnesses becoming known to members of the public. In this context, regardless of the current stage of this case, the Panel considers that 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.<sup>40</sup> In this regard, the Panel recalls its finding, which was upheld by the Courts of Appeals Panel, that the risk of interference which detention seeks to prevent also includes any attempt to retaliate against or incentivise to recant witnesses who have already testified, as well as attempts to interfere with witnesses in parallel proceedings.<sup>41</sup>

25. The Panel also recalls that it ordered that additional restrictions be placed upon the ability of Mr Veseli to have contacts and visits in the SC Detention Facilities.<sup>42</sup> The Panel reiterates that the measures ordered in that context were preventative in character rather than punitive.<sup>43</sup> The Panel notes, however, that the records on which it based that decision further support the suggestion of a risk that Mr Veseli could divulge confidential information to unprivileged third parties.<sup>44</sup>

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<sup>40</sup> Twenty-Third Detention Decision, para. 20; Provisional Release Decision, para. 32; IA034/F00005, Court of Appeals Panel, *Decision on Kadri Veseli's Appeal Against Decision on Request for Provisional Release* ("Appeals Decision on the Provisional Release Decision"), 13 August 2025, confidential, para. 43 (a public redacted version was issued on the same day, IA034/F00005/RED).

<sup>41</sup> Provisional Release Decision, para. 32; Appeals Decision on the Provisional Release Decision, paras 48-50. *See also* Twenty-Third Detention Decision, para. 20.

<sup>42</sup> F01977, Panel, *Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi* ("Decision on Detention Conditions"), 1 December 2023, paras 51-53, 55-59, 62-64, 66-74, 77-78, 84(c); F03308, Panel, *Decision Reviewing the Conditions of Detention Modified in F01977* ("Decision Reviewing the Modified Detention Conditions"), 4 July 2025, confidential, paras 62-105, 113(c).

<sup>43</sup> Decision on Detention Conditions, paras 30, 34.

<sup>44</sup> Decision on Detention Conditions, para. 35.

26. Additionally, there is a persistent climate of intimidation of witnesses and interference with criminal proceedings against former KLA members in Kosovo which protective measures alone cannot overcome.<sup>45</sup>

27. Lastly, the Panel notes that the evidentiary proceedings have now closed, and is of the view that, relative to the last detention review, the risk of obstruction of Case 06 proceedings is reduced. Nonetheless, for the reasons specified above, the Panel is satisfied that a risk of obstruction of SC proceedings remains.

28. Accordingly, the Panel concludes that the risk that Mr Veseli will obstruct the progress of SC proceedings continues to exist.

(c) Risk of Committing Further Crimes

29. The SPO recalls the Panel's findings in the Twenty-Third Detention Decision and submits that Mr Veseli continues to present a risk of committing further crimes.<sup>46</sup>

30. The Panel recalls its finding in the Twenty-Third Detention Decision that the risk of Mr Veseli committing further crimes continues to exist.<sup>47</sup> The Panel finds that the same factors that were taken into account in relation to obstruction are relevant to the analysis of the risk of Mr Veseli committing further crimes.<sup>48</sup> In light of these, the Panel considers that no new circumstances have arisen since the last decision that would justify a different finding in respect of this matter.

31. The Panel highlights the fact that the identities of sensitive witnesses have been disclosed to the Accused, and that any risk of the further commission of crimes must be avoided.

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<sup>45</sup> Twenty-Third Detention Decision, para. 22. *See also* KSC-BC-2020-05, F00494/RED, Trial Panel I, *Trial Judgment*, 19 January 2023, para. 57 (a corrected version was filed on 8 June 2023, F00494/RED3/COR).

<sup>46</sup> SPO Submissions, paras 20-24.

<sup>47</sup> Twenty-Third Detention Decision, para. 25.

<sup>48</sup> *See supra*, paras 23-28.

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

### 3. Conclusion

33. The Panel concludes that at this time there continues to be insufficient information before it justifying a finding that Mr Veseli may abscond from justice if released. However, the Panel is satisfied, based on the relevant standard, that there is a risk that Mr Veseli will obstruct the progress of SC proceedings and that he will 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 his release.

#### B. MEASURES ALTERNATIVE TO DETENTION

34. With reference to the Panel's previous findings, the SPO submits that the relevant risks can only be effectively managed at the SC Detention Facilities and nothing has occurred since the previous determination warranting a different assessment.<sup>49</sup> The SPO further submits that Mr Veseli's conduct represents such an extraordinarily heightened risk that even the standard communications restrictions and monitoring of the SC Detention Facilities are insufficient to mitigate it.<sup>50</sup>

35. 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).<sup>51</sup>

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<sup>49</sup> SPO Submissions, paras 1, 25-29.

<sup>50</sup> SPO Submissions, para. 29.

<sup>51</sup> 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*

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).<sup>52</sup> The Panel must therefore consider all reasonable alternative measures that could be imposed and not only those raised by the Parties.<sup>53</sup>

36. Regarding the risk of obstructing the progress of SC proceedings and commission of further crimes, the Panel maintains its view that none of the previously proposed conditions,<sup>54</sup> nor any additional measures foreseen in Article 41(12) could at this stage of the proceedings sufficiently mitigate the existing risks.<sup>55</sup> In particular, the Panel finds 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 risk linked with illicit communications.<sup>56</sup> 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,<sup>57</sup> considering, for example, the Registrar's powers to

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*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 Judgment")*, 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*.

<sup>52</sup> 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*.

<sup>53</sup> Selimi Court of Appeals Decision on Interim Release, para. 86; KSC-BC-2020-05, F00127, Trial Panel I, *Fourth Decision on Review of Detention*, 25 May 2021, para. 24.

<sup>54</sup> Twenty-Third Detention Decision, para. 31; Provisional Release Decision, paras 48-52.

<sup>55</sup> Twenty-Third Detention Decision, para. 31; Provisional Release Decision, para. 53.

<sup>56</sup> Twenty-Third Detention Decision, para. 31; Provisional Release Decision, para. 52, with further references.

<sup>57</sup> Twenty-Third Detention Decision, para. 31; Provisional Release Decision, para. 52.

refuse visits and impose proportionate and necessary measures to address any credible risks of confidential information being disclosed.<sup>58</sup>

37. The Panel further maintains its view that it is only through the communication monitoring framework applicable at the SC Detention Facilities, including those measures ordered by the Panel,<sup>59</sup> that Mr Veseli's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.<sup>60</sup>

38. In light of the foregoing, the Panel finds that the risks of obstructing the proceedings and committing offences can only be effectively managed at the SC Detention Facilities. In these circumstances, the Panel finds that Mr Veseli's continued detention is necessary in order to avert the risks in Article 41(6)(b)(ii) and (iii).

#### C. REASONABLENESS OF DETENTION

39. With reference to the Panel's previous finding, the SPO argues that Mr Veseli's detention remains proportional and reasonable, especially in light of the progression of proceedings.<sup>61</sup>

40. 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.<sup>62</sup> In the Panel's estimation, the special features in this case include: (i) Mr Veseli is charged with ten counts of serious international crimes in which he is alleged to

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<sup>58</sup> Twenty-Third Detention Decision, para. 31; Provisional Release Decision, para. 51; 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).

<sup>59</sup> See Decision on Detention Conditions, para. 84(c); Decision Reviewing the Modified Detention Conditions, para. 113(c).

<sup>60</sup> Twenty-Third Detention Decision, para. 32.

<sup>61</sup> SPO Submissions, paras 1, 30-32.

<sup>62</sup> Twenty-Third Detention Decision, para. 35.

have played a significant role; (ii) if convicted, Mr Veseli could face a lengthy sentence; (iii) the risks under Article 41(6)(b)(ii) and (iii) cannot be mitigated by any conditions; (iv) the case against Mr Veseli is complex; and (v) the fact that the trial is underway, demonstrating reasonable progression of proceedings.<sup>63</sup>

41. In light of the above developments, 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 Veseli's detention for a further two months is necessary and reasonable in the specific circumstances of the case.

42. The Panel acknowledges that Mr Veseli has already been in detention for a significant period of time, and the trial in this case is lengthy. As the Panel previously indicated, this will require the Panel as well as all Parties to be particularly mindful of the need to ensure that the trial proceeds as expeditiously as possible. The Panel will continue to monitor at every stage in these proceedings whether continued detention is necessary and reasonable.

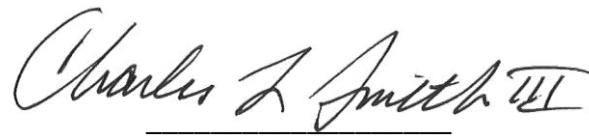
## VI. DISPOSITION

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

- a) **ORDERS** Mr Veseli's continued detention; and
- b) **ORDERS** the SPO to file submissions on the next review of Mr Veseli's detention by no later than **Thursday, 19 February 2026 at 16:00**, with the response and reply following the timeline set out in Rule 76.

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<sup>63</sup> Twenty-Third Detention Decision, para. 35.

A handwritten signature in black ink, reading "Charles L. Smith, III". The signature is written in a cursive style and is underlined.

**Judge Charles L. Smith, III**  
**Presiding Judge**

Dated this Friday, 16 January 2026

At The Hague, The Netherlands.