



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: Single Trial Judge
Judge Christopher Gosnell

Registrar: Fidelma Donlon

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Seventh Decision on Review of Detention of Hashim Thaçi

Specialist Prosecutor
Kimberly P. West

Specialist Counsel for Hashim Thaçi
Sophie Menegon
Luka Mišetić

Specialist Counsel for Bashkim Smakaj
Jonathan Rees
Huw Bowden

Specialist Counsel for Isni Kilaj
Iain Edwards
Joe Holmes

Specialist Counsel for Fadil Fazliu
David Young

Specialist Counsel for Hajredin Kuçi
Alexander Admiraal

THE SINGLE TRIAL JUDGE, pursuant to Article 41(6) and (10) 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,¹ hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 5 December 2024, Hashim Thaçi ("Mr Thaçi" or "Accused"), already detained at the Detention Facilities of the Specialist Chambers ("SC") in the context of the proceedings in case of *The Specialist Prosecutor v. Hashim Thaçi et al.* ("Case 06"), was served with an arrest warrant, issued by the Pre-Trial Judge in the present proceedings ("Case 12"),² on the basis of the confirmation of the indictment in this case against him and four other Accused.³ On 8 December 2024, Mr Thaçi made his initial appearance, at which time his continued detention was ordered.⁴ He remains in custody to this day, following six bi-monthly reviews of detention as required by Article 41(10).⁵

¹ All future references to "Article" and "Rule" shall be understood, unless otherwise indicated, as referring to the Law and Rules, respectively.

² KSC-BC-2023-12, F00037, Pre-Trial Judge, *Decision on Request for Arrest Warrants and Related Matters* ("Decision on Arrest"), 29 November 2024, confidential, with Annexes 1-8, strictly confidential and *ex parte*; see Annex 4, containing the arrest warrant against Mr Thaçi. A public redacted version of the main filing was issued on 19 December 2024, [F00037/RED](#).

³ KSC-BC-2023-12, F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment* ("Confirmation Decision"), 29 November 2024, confidential. A public redacted version was issued on 12 February 2025, [F00036/RED](#). On 14 April 2025, following a decision of the Court of Appeals Panel, the Pre-Trial Judge 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 the offence of obstructing official persons, under Counts 1, 2 and 3 of the indictment as confirmed on 5 December 2024 (see 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). On 16 April 2025, the Specialist Prosecutor's Office filed the amended confirmed indictment (see F00264/A02, Specialist Prosecutor, [Public Redacted Amended Confirmed Indictment](#) ("Amended Confirmed Indictment"), 16 April 2025, public).

⁴ KSC-BC-2023-12, Transcript of Hearing, *Initial Appearance of Hashim Thaçi* ("Decision on Detention"), 8 December 2024, public, p. 18, lines 10-20.

⁵ KSC-BC-2023-12, F00165, Pre-Trial Judge, [Decision on Review of Detention of Hashim Thaçi](#) ("First Review Decision"), 7 February 2025, public; F00250, Pre-Trial Judge, [Second Decision on Review of Detention of Hashim Thaçi](#) ("Second Review Decision"), 7 April 2025, public; F00325, Pre-Trial Judge,

2. On 12 November 2025, the Pre-Trial Judge transmitted the complete case file to the Single Trial Judge.⁶
3. On 3 December 2025, the Single Trial Judge, after receiving submissions from the Parties,⁷ issued the Sixth Review Decision.
4. On 21 January 2026, the Specialist Prosecutor's Office ("SPO") made submissions on the periodic review of Mr Thaçi's detention.⁸
5. The Defence for Mr Thaçi ("Thaçi Defence") did not respond.

II. SUBMISSIONS

6. The SPO requests Mr Thaçi's continued detention on the basis that no new factors or information have arisen that would undermine the findings of the Pre-Trial Judge in the Sixth Review Decision.⁹ More specifically, the SPO submits that Mr Thaçi's continued detention remains necessary since all three risks under Article 41(6)(b) remain present¹⁰ and cannot be managed by any potential conditions of release.¹¹ The SPO also argues that Mr Thaçi's continued detention remains reasonable given the limited passage of time since the Sixth Review

[*Third Decision on Review of Detention of Hashim Thaçi*](#) ("Third Review Decision"), 5 June 2025, public; F00405, Pre-Trial Judge, [*Fourth Decision on Review of Detention of Hashim Thaçi*](#) ("Fourth Review Decision"), 5 August 2025, public; F00476, Pre-Trial Judge, [*Fifth Decision on Review of Detention of Hashim Thaçi*](#) ("Fifth Review Decision"), 3 October 2025, public; KSC-BC-2023-12, F00597, Single Trial Judge, [*Sixth Decision on Review of Detention of Hashim Thaçi*](#) ("Sixth Review Decision"), 3 December 2025, public.

⁶ KSC-BC-2023-12, F00544, Pre-Trial Judge, [*Decision Transmitting the Case File to Single Trial Judge*](#), 12 November 2025, public.

⁷ KSC-BC-2023-12, F00552, Specialist Prosecutor, *Prosecution Submissions on Review of Detention of Hashim Thaçi*, 18 November 2025, public; KSC-BC-2023-12, F00575, Thaçi Defence, *Thaçi Defence Response to Prosecution Submissions on Review of Detention*, 26 November 2025, confidential and *ex parte*. A confidential redacted and a public redacted version were filed on the same date, F00575/CONF/RED and F00575/RED.

⁸ KSC-BC-2023-12, F00682, Specialist Prosecutor, *Prosecution Submissions on Review of Detention of Hashim Thaçi* ("SPO Submissions"), 20 January 2026, confidential and *ex parte*.

⁹ SPO Submissions, paras 3-4.

¹⁰ SPO Submissions, para. 4.

¹¹ SPO Submissions, paras 8-9.

Decision, the potentially lengthy sentence he faces, and the progress of the present proceedings towards trial.¹²

III. APPLICABLE LAW

7. The standards applicable to the continued detention of a person by the SC are set out in Article 41(6) and (10) and Rules 56-57. These provisions have been extensively interpreted in the SC's jurisprudence, in particular as they are required to be applied and interpreted in conformity with the Constitution of Kosovo and the (European) Convention for the Protection of Human Rights and Fundamental Freedoms.¹³ The Single Trial Judge will apply these same standards to the present decision.

8. The Single Trial Judge notes that each bi-monthly review of detention is a *de novo* assessment.¹⁴ According to the Court of Appeals Panel:

[...] The competent panel is not required to make findings on the factors already decided upon in the initial ruling on detention but must examine these reasons or circumstances and determine whether they still exist. What is crucial is that the competent panel is satisfied that that, at the time of the review decision, grounds for continued detention still exist.¹⁵

¹² SPO Submissions, para. 10.

¹³ See, for example, KSC-BC-2020-07/IA001/F00005, Court of Appeals Panel, *Decision on Hysni Gucati's Appeal on Matters Related to Arrest and Detention* ("Gucati Appeal Decision"), 9 December 2020, public, paras 41-74; KSC-BC-2020-07/IA007/F00004, Court of Appeals Panel, *Consolidated Decision on Nasim Haradinaj's Appeals Against Decisions on Review of Detention*, 6 April 2022, public, paras 26-56; KSC-BC-2020-06/IA003/F00005, *Public Redacted Version of Decision on Rexhep Selimi's Appeal Against Decision on Interim Release* ("Selimi Appeal Decision"), 30 April 2021, public, paras 14-92.

¹⁴ KSC-BC-2020-06, IA006-F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against Decision on Review of Detention](#), 1 October 2021, public, paras 14-17; F03484, Trial Panel II, [Decision on Periodic Review of Detention of Jakup Krasniqi](#), 18 September 2025, public, para. 49 ("the Panel observes that detention is governed by strict conditions set out in Article 41 and the Panel assesses the Parties' submissions *de novo* as part of the bi-monthly detention review pursuant to Article 41(10)"); see also F00177/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Hashim Thaçi's Application for Interim Release](#), 22 January 2021, public, para. 26.

¹⁵ KSC-BC-2020-07, IA002/F00005, Court of Appeals Panel, [Decision on Nasim Haradinaj's Appeal Against Decision Reviewing Detention](#), 9 February 2021, public, para. 55; see also KSC-BC-2020-06, IA006-F00005, Court of Appeals, [Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against](#)

Furthermore, “although the automatic review [...] is not strictly limited to whether or not a change of circumstances occurred in the case, such a change can nonetheless be determinative and shall be taken into consideration if raised before the Panel or *proprio motu*.”¹⁶ The Single Trial Judge understands that although he is not “required” to revisit findings made in previous detention reviews, he is nevertheless under an obligation to ensure that he is “satisfied” that “grounds for continued detention still exist” including, but without being limited to, considering any change of circumstances that may have arisen since the last detention review.

IV. DISCUSSION

A. GROUNDED SUSPICION

9. On the basis of the findings in the Confirmation Decision,¹⁷ and in the absence of any submissions to the contrary by the Thaçi Defence or other intervening information or developments, the requirement of a “grounded suspicion” is satisfied.

B. PRESENCE OF ARTICLE 41(6)(B) RISKS

1. Risk of Flight

10. The SPO submits that the factors indicating a risk that Mr Thaçi would flee if provisionally released are: (i) the gravity of the charged offences, and the potential sentence if convicted; (ii) his *mala fide* intentions towards the laws and rules of the SC; (iii) his means and opportunity to flee; and (iv) the substantial statutory

[Decision on Review of Detention](#), 1 October 2021, confidential, para. 15 (“The Panel considers that a further explanation of how the above findings must be interpreted is warranted. In that regard, the Panel underlines that the duty to determine whether the circumstances underpinning detention “still exist” is not a light one. It imposes on the competent panel the task to, *proprio motu*, assess whether, it is still satisfied that, at the time of the review and under the specific circumstances of the case when the review takes place, the detention of the Accused remains warranted.”).

¹⁶ KSC-BC-2023-12, IA004-F00005, Court of Appeals Panel, [Decision on Isni Kilaj’s Appeal Against Third Decision on Review of Detention](#) (“Second Kilaj Detention Appeal Decision”), 1 September 2025, public, para. 31.

¹⁷ [Confirmation Decision](#), paras 42-43, 313(a).

sentence to which Mr Thaçi remains exposed, in addition to the period of time already served.¹⁸

11. As stated by the Court of Appeals Panel, “[t]he conditions set forth in Article 41(6)(b) of the Law are alternative to one another. If one of those conditions is fulfilled, the other conditions do not have to be addressed in order for detention to be maintained.”¹⁹

12. In light of the findings below in respect of the risks under Article 41(6)(b)(ii) and (iii), the Single Trial Judge does not consider it necessary to make a finding under Article 41(6)(i) as to whether Mr Thaçi is presently a flight risk.

2. Risk of Obstructing the Progress of SC Proceedings

13. The SPO submits that the finding of Article 41(6)(b)(ii) risks in the Sixth Review Decision remains correct.²⁰ Those risks continue to exist, it argues, independent of the stage of the proceedings in Case 06.²¹

14. The Single Trial Judge accepts that the risk of obstruction is reduced relative to previous detention reviews in light of: (i) the closure of the evidentiary proceedings in Case 06;²² and (ii) the increased certainty that the SPO’s evidence in the present case will not rely on witnesses who could be subject to influence by Mr Thaçi or anyone likely to act on his behalf.²³ The Single Trial Judge notes, in particular, that the SPO seeks to rely almost exclusively on documentary evidence which cannot plausibly be tampered or interfered with by Mr Thaçi at this stage.²⁴ The witnesses who will appear for the SPO, given their circumstances, are not likely

¹⁸ SPO Submissions, para. 5.

¹⁹ See for example KSC-BC-2023-12, IA001-F0005, Court of Appeals Panel, [Decision on Isni Kilaj’s Appeal Against Decision on Continued Detention](#), 28 January 2025, public, para. 17.

²⁰ SPO Submissions, para. 6.

²¹ SPO Submissions, para. 6.

²² KSC-BC-2020-06, F03639, Trial Panel II, [Notice of Close of Evidentiary Proceedings](#), 18 December 2025, public, para. 26.

²³ [Sixth Review Decision](#), para. 18.

²⁴ [Sixth Review Decision](#), para. 18.

to be subject to any influence by Mr Thaçi or anyone who is likely to act on his behalf.²⁵ Furthermore, the investigative steps still being pursued by the SPO are beyond the potential influence of Mr Thaçi.²⁶

15. Notwithstanding these developments, a real risk²⁷ remains that Mr Thaçi may, if released, obstruct the progress of SC proceedings under Article 41(6)(b)(ii) on the basis of the following factors: (i) the grounded suspicion of extensive efforts by Mr Thaçi to obstruct the Case 06 proceedings, which are the basis for the charges in the present case; (ii) the alleged leadership role of Mr Thaçi in those efforts; (iii) the allegation that these efforts included seeking the cooperation of, and giving instructions to, individuals who remain at liberty in Kosovo; and (iv) the ongoing potential that individuals who might be called as Defence witnesses in this case, whose identity is not yet known, could be subject to influence.²⁸ The risk must also be viewed in the context of a pervasive climate of fear and intimidation in Kosovo against witnesses and potential witnesses of the SC.²⁹

16. On the basis of these factors, the Single Trial Judge considers that the requisite degree of risk under Article 41(6)(b)(ii) remains.

3. Risk of Committing Further Offences

17. The Single Trial Judge recalls that, the reasons supporting the finding that there is a real risk of obstruction of proceedings likewise support a finding of a real

²⁵ See [Sixth Review Decision](#), para. 18 referring to KSC-BC-2023-12, F00459/A03, Specialist Prosecutor, Annex 3 to Prosecution Submission of Pre-Trial Brief, Witness and Exhibit Lists, 19 September 2025, confidential. The list of witnesses was resubmitted on 26 September 2025 under filing number F00467/A03, following the submission of a corrected version of the Pre-Trial Brief.

²⁶ [Sixth Review Decision](#), para. 18.

²⁷ See KSC-BC-2020-06, IA004-F00005, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Interim Release](#), 30 April 2021, public, paras 24, 45.

²⁸ See for example, [Sixth Review Decision](#), para. 19; [Fifth Review Decision](#), para. 18; [Fourth Review Decision](#), para. 19; [Third Review Decision](#), paras 21-22; [Second Review Decision](#), para. 28; [First Review Decision](#), paras 29-30; Decision on Detention, p. 12, line 15; [Decision on Arrest](#), para. 50.

²⁹ [Sixth Review Decision](#), para. 19; [Fifth Review Decision](#), para. 20; [Fourth Review Decision](#), para. 20; [Third Review Decision](#), para. 23; [Second Review Decision](#), para. 30; [First Review Decision](#), para. 31; Decision on Detention, p. 18, lines 16-20; [Decision on Arrest](#), para. 51. See also Decision on Kilaj Appeal, para. 83.

risk that alleged further offences would be committed for that purpose, including in relation to Defence witnesses who may provide evidence in the present case.³⁰

18. Therefore, in light of the above,³¹ the Single Trial Judge concludes that the requisite degree of risk that Mr Thaçi will commit further offences continues to exist.

4. Conclusion

19. The Single Trial Judge finds that there remains a real risk that Mr Thaçi may obstruct the progress of the SC proceedings and commit further offences under Article 41(6)(b)(ii) and (iii), respectively. The Single Trial Judge will assess below whether these risks can be adequately mitigated by any conditions of release.

C. POTENTIAL CONDITIONS OF RELEASE

20. An accused “can only be detained if lesser measures would be insufficient to mitigate the risks of flight, obstruction or commission of further crimes.”³² This standard reflects the presumption in favour of pre-trial release, which is itself a reflection of the bedrock principle of the presumption of innocence.³³

³⁰ See also [Sixth Review Decision](#), para. 22; [Fifth Review Decision](#), para. 22; [Fourth Review Decision](#), para. 22; [Third Review Decision](#), para. 25; [Second Review Decision](#), para. 33; [First Review Decision](#), para. 34; Decision on Detention, p. 18, lines 16-20; [Decision on Arrest](#), para. 54.

³¹ See *supra*, paras 15-16.

³² [Second Kilaj Detention Appeal Decision](#), para. 32. 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](#), 26 April 2017, public, para. 114. See also ECtHR, [Buzadji v. the Republic of Moldova](#), no. 23755/07, Judgment, 5 July 2016, para. 87; [Idalov v. Russia](#), no. 5826/03, Judgment, 22 May 2012, para. 140.

³³ [Selimi Appeal Decision](#), 30 April 2021, public, paras 85-86 (“The Court of Appeals Panel notes the finding of the Constitutional Court that to fully comply with the constitutional standards, a panel must consider more lenient measures when deciding whether a person should be detained. The Panel interprets the Constitutional Court’s ruling as meaning that, in the assessment of the Proposed Conditions, the Pre-Trial Judge is required, *proprio motu*, to inquire and evaluate all reasonable conditions that could be imposed on an accused and not just those raised by the Defence. The Panel comes to this conclusion in light of the fundamental right of liberty at stake with regard to a suspect or an accused in pre-trial detention and the presumption of innocence governing this part of the proceedings”).

21. The Single Trial Judge is not persuaded that any reasonable conditions of release could satisfactorily diminish, at this stage, the risk that the Accused may obstruct the progress of SC proceedings or commit further offences.³⁴ Notably, the Single Trial Judge is of the view that any conditions that could feasibly be imposed would not: (i) address the possibility of Mr Thaçi using other persons, or employing communication devices belonging to other persons, or requesting other persons to use their devices for the purpose of unlawfully interfering with witnesses; and (ii) ensure the effective monitoring of Mr Thaçi's communications.³⁵

22. By contrast, the measures in place at the SC Detention Facilities substantially reduce the possibility of witnesses being influenced by Mr Thaçi, by direct or indirect means.³⁶

23. The Single Trial Judge concludes that no reasonable conditions of release could sufficiently reduce the risks of obstruction of proceedings or re-offending under Article 41(6)(b)(ii)-(iii).

D. PROPORTIONALITY OF DETENTION

24. Rule 56(2) requires "that a person is not detained for an unreasonable period prior to the opening of the case." This standard likewise applies after the opening of the case and throughout trial proceedings.³⁷ The SPO "carries the burden of

³⁴ [Sixth Review Decision](#), para. 26; [Fifth Review Decision](#), para. 25; [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 28; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38; see KSC-BC-2020-06, IA017/F00011/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#) ("Thaçi 2022 Appeal Decision"), 5 April 2022, public, para. 51.

³⁵ [Sixth Review Decision](#), para. 26; [Fifth Review Decision](#), para. 26; [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 28; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38.

³⁶ [Sixth Review Decision](#), para. 27; [Fifth Review Decision](#), para. 26; [Fourth Review Decision](#), para. 26; [Third Review Decision](#), para. 29; [Second Review Decision](#), para. 38; [First Review Decision](#), para. 39. Similarly, KSC-BC-2020-06, IA010-F00008/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#), 27 October 2021, public, para. 68.

³⁷ See [Second Kilaj Detention Appeal Decision](#), para. 46 ("At the outset, the Appeals Panel recalls that a panel has a general obligation to ensure that the time spent in detention is reasonable, in accordance with Article 29(2) of the Constitution and Article 5(3) of the ECHR"); KSC-BC-2020-06, F03587, Trial Panel II, [Decision on Periodic Review of Detention of Jakup Krasniqi](#), 18 November 2025,

establishing that detention is necessary and that its length remains reasonable,”³⁸ and “any analysis of pre-trial detention must take the presumption of innocence as its starting point.”³⁹ As the Court of Appeals Panel has remarked, “the longer a person remains in pre-trial detention the higher the burden on the Specialist Chambers to justify continued detention.”⁴⁰ Moreover, the analysis of whether the period of detention has become unreasonable applies regardless of whether any of the Article 41(6)(b) risk factors are found to exist.

25. Previous jurisprudence establishes that reasonableness is to be assessed by weighing various considerations, including: the duration of detention at the time of review;⁴¹ “the nature of the offence as well as the severity of the penalty”;⁴² “the degree of risks that are described in Article 41(6)(b) of the Law”;⁴³ the speed with which proceedings are progressing towards trial (or a final judgment), and whether the length of proceedings is justified by its complexity;⁴⁴ and the frequent review of detention which, pursuant to the Rules, occurs every two months.⁴⁵ Ultimately, the

public, paras. 31-35 (applying Rule 56(2) and finding that continued detention remains “necessary and reasonable in the specific circumstances of this case”); F03539, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Jakup Krasniqi*, 27 October 2025, public, para. 26, para. 26 (SPO arguing that detention of Krasniqi “remains proportional”).

³⁸ See [Second Kilaj Detention Appeal Decision](#), para. 47.

³⁹ See [Selimi Appeal Decision](#), para. 37.

⁴⁰ See *Gucati Appeal Decision*, 9 December 2020, public, para. 73.

⁴¹ See [Selimi Appeal Decision](#), paras 79-81.

⁴² See [Gucati Appeal Decision](#), para. 72 (“The Court of Appeals Panel takes the present opportunity to stress that the nature of the offence as well as the severity of the penalty are important factors to consider when deciding whether detention is necessary in the circumstances of a specific case.”).

⁴³ See KSC-BC-2023-12, INV-F00129/COR/RED, Single Judge, *Public Redacted Version of Corrected Version of Decision on Review of Detention of Isni Kilaj* (“Kilaj Release Decision”), 3 May 2024 (date of public redacted corrected version 15 May 2024), public, para. 60. See KSC-BC-2020-06, IA010/F00008/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi’s Appeal Against Decision on Review of Detention](#) (“Thaçi 2021 Appeal Decision”), 27 October 2021, para. 49.

⁴⁴ See [Thaçi 2021 Appeal Decision](#), para. 52 (“the Pre-Trial Chamber correctly assessed the circumstances of the case as a whole, taking into consideration the factors listed above in paragraph 50 of this decision”); [Kilaj Release Decision](#), para. 60 (“the investigative and procedural steps taken towards moving the case forward since the last review of detention.”).

⁴⁵ See [Selimi Appeal Decision](#), para. 81.

reasonableness of continued detention “must be assessed on the facts of each case and according to its special features.”⁴⁶

26. The SPO argues that the limited time since the last review strengthens the conclusion that continued detention is proportionate and reasonable.⁴⁷ The SPO underscores that Mr Thaçi faces a “potentially lengthy sentence if convicted” and the various procedural, investigative and disclosure steps that have brought the case closer to the commencement of trial militate in favour of continued detention.⁴⁸ According to the SPO, the nature of the risks justifies continued detention at this stage.⁴⁹

27. The Single Trial Judge finds that Mr Thaçi’s detention continues to be reasonable and proportionate. The degree of risk of under Article 41(6)(b)(ii) is high, considering that the charges allege a leadership role in the commission of three counts of attempting to obstruct official persons in performing official duties, four counts of violating the secrecy of proceedings and four counts of contempt of court, which could result in a substantial sentence.⁵⁰ This risk cannot be effectively mitigated by any proposed or additional conditions for release.⁵¹ Although certain factors have arisen that reduce the opportunity or incentive to obstruct, the risk nevertheless remains substantial.⁵²

28. In addition, the Single Trial Judge notes that since the Sixth Review Decision, various procedural, investigative and disclosure steps have brought the case closer to the commencement of trial, which has now been set for 27 February 2026.⁵³

⁴⁶ See [Thaçi 2022 Appeal Decision](#), para. 65.

⁴⁷ SPO Submissions, para. 10.

⁴⁸ SPO Submissions, para. 10.

⁴⁹ SPO Submissions, para. 10.

⁵⁰ [Amended Confirmed Indictment](#), para. 45.

⁵¹ See *supra* para. 23.

⁵² See *supra*, paras 14-15.

⁵³ KSC-BC-2023-12, F00705, Single Trial Judge, [Decision on Request for Adjournment of the Start of Trial Proceedings](#), 28 January 2026, public.

29. The Single Trial Judge has duly considered the additional time Mr Taçi has spent in detention since the Sixth Review Decision, and that he has now been detained for almost 14 months in the context of these proceedings.⁵⁴ Nevertheless, this period of detention remains reasonable and proportionate in light of the factors described at paragraphs 27 and 28 above.

30. Moreover, pursuant to Article 41(10) and Rule 57(2), Mr Taçi's detention will be regularly reviewed upon the expiry of two (2) months from the last ruling on detention or at any time upon request, or *proprio motu*, where a change in circumstance since the last review has occurred.

31. In view of the foregoing, the Single Trial Judge finds that the time Mr Taçi has spent in pre-trial detention is not unreasonable within the meaning of Rule 56(2).

⁵⁴ See *supra*, para. 1.

V. DISPOSITION

32. For the above-mentioned reasons, the Single Trial Judge hereby:

- a. **ORDERS** Mr Thaçi's continued detention;
- b. **ORDERS** Mr Thaçi, if he so wishes, to file submissions on the next review of detention by **Monday, 2 March 2026, at 16h00**, with the response and reply to be filed in accordance with the deadlines set out in Rule 76; and
- c. **ORDERS** the SPO, should Mr Thaçi decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Thaçi's detention by **Monday, 9 March 2026, at 16h00**, and Mr Thaçi to file any response by **Monday, 16 March 2026, at 16h00**.



Judge Christopher Gosnell
Single Trial Judge

Dated this Tuesday, 3 February 2026

At The Hague, the Netherlands.