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 Guénaël Mettraux
	Judge Fergal Gaynor, Reserve Judge
Registrar:	Fidelma Donlon
Date:	10 February 2026
Language:	English
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Decision on Periodic Review of Detention of Hashim Thaçi

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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 Hashim Thaçi ("Mr Thaçi") has been set out extensively in previous decisions. Relevant events since the last periodic review ("Twenty-Fourth Detention Decision")[1] include the following:

2. On 18 December 2025, the Panel closed the evidentiary proceedings.[2]

3. On 19 and 20 January 2026, the Parties filed their Final Trial Briefs and Victims' Counsel filed the statement on the impact of the alleged crimes on the participating victims.[3]

4. On 21 January 2026, the Specialist Prosecutor's Office ("SPO") filed its submissions on the review of Mr Thaçi's detention ("SPO Submissions").[4]

5. The Defence for Mr Thaçi ("Thaçi Defence") did not file a reply.

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[1] F03619, Panel, *Decision on Periodic Review of Detention of Hashim Thaçi*, 10 December 2025.
[2] F03639, Panel, *Notice Regarding the Close of Evidentiary Proceedings*, 18 December 2025.
[3] F03664, Specialist Counsel, *Thaçi Defence Final Trial Brief*, 19 January 2026, confidential, with Annexes 1-2, confidential; F03668, Specialist Counsel, *Krasniqi Defence Final Trial Brief*, 20 January 2026, confidential, with Annexes 1-3, confidential, and Annex 4, confidential and *ex parte*; F03666, Specialist Counsel, *Final Trial Brief on Behalf of Kadri Veseli*, 19 January 2026, confidential, with Annexes 1-2, confidential; F03665, Specialist Counsel, *Selimi Defence Final Brief*, 19 January 2026, confidential, with Annex 1, confidential; F03667, Specialist Prosecutor, *Prosecution Final Trial Brief*, 20 January 2026, confidential, with Annexes 1-2, confidential; F03663, Victims' Counsel, *Victims' Counsel's Statement on the Impact of the Alleged Crimes on the Participating Victims in Case 06*, 19 January 2026, strictly confidential and *ex parte*, with Annex 1, confidential, and Annex 2, strictly confidential and *ex parte* (a confidential redacted version was filed on the same day, F03663/CONF/RED).
[4] F03669, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Hashim Thaçi*, 21 January 2025.

II. SUBMISSIONS

6. The SPO submits that Mr Thaçi's detention continues to be justified.[5] According to the SPO, since the last decision on the review of Mr Thaçi's detention, there has been no material change in circumstances that warrants a different conclusion.[6] Rather, the SPO submits that, with the filing of the SPO Final Trial Brief, Mr Thaçi is more than ever aware of the volume and quality of the incriminatory evidence against him, increasing the risks of flight, obstruction and the commission of further crimes.[7] The SPO avers that no conditions short of detention in the Specialist Chambers' ("SC") detention facilities ("SC Detention Facilities") would be sufficient to minimise the risks enumerated under Article 41, and that detention remains proportional.[8]

III. APPLICABLE LAW

7. The law applicable to deciding the present matter is set out primarily in Article 41 and Rules 56 and 57, and has been laid out extensively in earlier decisions.[9] The Panel will apply these standards to the present decision.

IV. DISCUSSION

8. The purpose of reviewing detention every two months pursuant to Article 41(10) is for the Panel to determine whether the reasons for detention on

[5] SPO Submissions, paras 1, 10-33.
[6] SPO Submissions, paras 1, 11.
[7] SPO Submissions, para. 11.
[8] SPO Submissions, paras 1, 26-33.
[9] *See e.g.* F00994, Pre-Trial Judge, *Decision on Periodic Review of Detention of Hashim Thaçi*, 29 September 2022, confidential, paras 18-21 (a public redacted version was issued on 6 October 2022, F00994/RED).

remand still exist.[10] A change in circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.[11]

9. In light of the current stage of proceedings, namely after the conclusion of the presentation of evidence and during the closing statements, the Panel will proceed to review the factors under Article 41(6) to satisfy itself that the circumstances underpinning Mr Thaçi's detention continue to exist, justifying the continued detention of Mr Thaçi.

A. ARTICLE 41 CRITERIA

1. Grounded Suspicion

10. Regarding 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.[12]

11. The SPO submits that there remains a grounded suspicion that Mr Thaçi has committed a crime within the jurisdiction of the SC.[13]

12. The Panel notes that the Pre-Trial Judge determined that, pursuant to Article 39(2), there was a well-grounded suspicion that Mr Thaçi is criminally liable 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,

[10] 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).
[11] 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).
[12] *See* ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, Judgment, 28 November 2017, para. 222.
[13] SPO Submissions, para. 12.

14(1)(c) and 16(1)(a).[14] Moreover, the Pre-Trial Judge also found that a well-grounded suspicion was established with regard to new charges brought by the SPO against Mr Thaçi.[15] These findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a).[16]

13. Absent any new material circumstances affecting the above findings, the Panel finds that there continues to be a grounded suspicion that Mr Thaçi 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

14. 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:

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[14] 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). 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. A confidential further lesser redacted version was filed on 5 June 2025, F00026/CONF/RED3. 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.

[15] F00777, Pre-Trial Judge, *Decision on the Confirmation of Amendments to the Indictment*, 22 April 2022, confidential, para. 183. A public redacted version (F00777/RED) was filed on 6 May 2022. 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).

[16] *See e.g.* 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 issued on the same date, IA008/F00004/RED).

(i) risk of flight; (ii) risk of obstruction of the proceedings; or (iii) risk of the further commission of crimes.[17] Detention shall be maintained if there are articulable grounds to believe that one or more of these risks will materialise.[18] "Articulable" in this context means specified in detail by reference to the relevant information or evidence.[19] 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.[20]

(a) Risk of Flight

15. The SPO asserts that Mr Thaçi continues to present a risk of flight as he is aware of the serious confirmed charges against him, and has full knowledge of the evidence against him making the possible imposition of a lengthy sentence more concrete.[21] In addition, the SPO submits that Mr Thaçi is now facing confirmed charges regarding his alleged attempts to obstruct proceedings and commit further crimes.[22] The SPO argues that these circumstances heighten Mr Thaçi's motivation to flee, creating a sufficiently real possibility that he will abscond.[23]

16. The Panel notes that the SPO is making substantially the same arguments that were considered and rejected by the Panel in previous decisions,[24] in relation to

[17] *See* ECtHR, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, Judgment ("*Buzadji v. the Republic of Moldova* [GC]"), 5 July 2016, para. 88; ECtHR, *Zohlandt v. the Netherlands*, no. 69491/16, Judgment, 9 February 2021, para. 50; ECtHR, *Grubnyk v. Ukraine*, no. 58444/15, Judgment, 17 September 2020, para. 115; ECtHR, *Korban v. Ukraine*, no. 26744/16, Judgment, 4 July 2019, para. 155.
[18] IA004/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Interim Release* ("First Appeal Decision on Detention"), 30 April 2021, confidential, para. 19 (a public redacted version was issued on the same date, IA004/F00005/RED).
[19] 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".
[20] First Appeal Decision on Detention, para. 22.
[21] SPO Submissions, para. 14.
[22] SPO Submissions, para. 14.
[23] SPO Submissions, para. 14.
[24] *Compare* SPO Submissions, para. 14 *with* F03596, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Hashim Thaçi*, 21 November 2025, para. 13.

the following issues: (i) Mr Thaçi's awareness of the seriousness of the confirmed charges against him; (ii) the potential of a long sentence should he be convicted; (iii) Mr Thaçi's full knowledge of the case and the evidence presented against him; and (iv) Mr Thaçi's awareness that charges of criminal offences against the administration of justice have been confirmed against him.[25] 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.[26] The Panel considers that this principle applies equally to the Panel and to the current stage of the proceedings.[27]

17. To the extent the SPO argues that the filing of the SPO Final Trial Brief increases Mr Thaçi's risk of flight,[28] the Panel recalls its previous findings regarding the closing of the SPO's and Victims' Counsel's cases and considers that the same reasoning equally applies to the present stage of proceedings.[29]

18. The Panel finds that, while the risk of flight can never be completely ruled out, the Panel considers that the SPO has failed to establish its claim of a "sufficiently real possibility" that the Accused will abscond if released based on the stage of the proceedings.[30] The Panel therefore finds that Mr Thaçi's continued detention is not justified at this time based on the risk of flight pursuant to Article 41(6)(b)(i).

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[25] *See* Twenty-Fourth Detention Decision, paras 16-17.
[26] *See* 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.
[27] *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.
[28] SPO Submissions, para. 11.
[29] F03514, Panel, *Decision on Periodic Review of Detention of Hashim Thaçi*, 10 October 2025, para. 16.
[30] *See* First Appeal Decision on Detention, para. 24.

(b) Risk of Obstructing the Progress of SC Proceedings

19. With reference to this Panel's previous findings, the SPO submits that Mr Thaçi continues to present a risk of obstructing the proceedings.[31] The SPO argues that a general climate of witness interference persists in Kosovo regarding this case and others before the SC,[32] which, as held by the Court of Appeals, is a relevant contextual consideration.[33] Furthermore, the SPO contends that: (i) the conclusion of the presentation of evidence in the case does not obviate this risk, as noted by the Panel,[34] as witnesses remain at risk of obstruction even after their testimony; and (ii) disclosing highly sensitive information to the Thaçi Defence, including to the Accused, inevitably broadens its exposure, thereby increasing the risk of such information reaching the public and undermining effective witness protection in the event of the Accused's release.[35] In this respect, the SPO asserts that this risk has realised, as Mr Thaçi has violated the Panel's order by, *inter alia*: (i) providing visitors with information elicited during the testimony of protected witnesses; and (ii) passing instructions intended for future SPO witnesses regarding the form and content of their upcoming testimony, resulting in the Panel modifying the conditions of detention and charges having been confirmed against Mr Thaçi in KSC-BC-2023-12 ("Case 12").[36] According to the SPO, this demonstrates that the risk of obstruction is not only well-founded but that Mr Thaçi has actively engaged in conduct that is detrimental to the safety, security and well-being of witnesses and directly prejudicial to the integrity of the

[31] SPO Submissions, paras 15-18, 20.
[32] SPO Submissions, para. 19.
[33] SPO Submissions, para. 19 *referring to* IA017/F00011, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention* ("Third Appeal Decision on Detention"), 5 April 2022, confidential, paras 41-48 (a public redacted version was issued on the same date, IA017/F00011/RED).
[34] SPO Submissions, para. 16 *referring to* Twenty-Fourth Detention Decision, para. 20.
[35] SPO Submissions, paras 16-17.
[36] SPO Submissions, para. 18.

proceedings, thereby presenting an extraordinarily heightened risk of obstructing the proceedings.[37]

20. The Panel has previously determined and reiterates that Mr Thaçi has: (i) the interest and ability to interfere with the proceedings; (ii) attempted to undermine the SC and offered benefits to persons summoned by the SPO; (iii) a position of influence in Kosovo which could allow him to elicit the support of sympathisers; and (iv) increased knowledge of the evidence underpinning the serious charges against him.[38]

21. The Panel recalls that the names and personal details of certain highly sensitive SPO witnesses have been disclosed to the Thaçi Defence,[39] and have therefore become known to a broader range of people, including to Mr Thaçi. This, in turn, increases the risk of sensitive information pertaining to witnesses becoming known to members of the public. This risk exists even after the SPO's witnesses have testifed, since many of them have protective measures and their identities should not become known to the public at any time. In the Panel's view this risk is not alleviated by the conclusion of the presentation of the evidence in the case. In particular, the risk of interference which detention seeks to prevent also includes, for instance: (i) any attempt to retaliate against witnesses who have testified in these proceedings until they are completed; (ii) attempts to incentivise a witness to recant; and (iii) attempts to interfere with witnesses in parallel proceedings.[40] In respect of the last point, the Panel notes that proceedings

[37] SPO Submissions, para. 20.
[38] Twenty-Fourth Detention Decision, para. 19; *See e.g*. F00177, Pre-Trial Judge, *Decision on Hashim Thaçi's Application for Interim Release* ("Initial Decision on Interim Release"), 22 January 2021, paras 38, 41 (a public redacted version was issued on 26 January 2021, F00177/RED).
[39] *See* Twenty-Fourth Detention Decision, para 20.
[40] *See e.g*. 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*, 13 August 2025, paras 49-52; F03176/COR2, Panel, *Further Corrected Version of Consolidated Decision on Krasniqi Defence Request for Provisional Release and on Periodic Review of Detention of Jakup Krasniqi*, 13 May 2025, confidential, para. 41 (a public redacted version was issued on the same day, F03176/COR2/RED).

regarding allegations of interference in the present case are ongoing and that the case file has been transmitted to a Single Trial Judge.[41]

22. In connection with this, the Panel recalls its previous findings that it appears that Mr Thaçi: (i) provided non-privileged visitors with information elicited during the testimony of protected witnesses; and/or (ii) discussed instructions to be passed on to witnesses about the form and content of their testimonies.[42] These findings are further supported by the fact that charges have now been confirmed against Mr Thaçi in Case 12 and the case file transmitted to a Single Trial Judge.[43] In this context, the Panel considers that the release of Mr Thaçi with sensitive information in his possession would not be conducive to the effective protection of witnesses.

23. Moreover, such a risk exists within a persistent climate of intimidation of witnesses and interference with criminal proceedings against former Kosovo Liberation Army ("KLA") members in Kosovo which protective measures alone cannot overcome.[44]

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

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[41] KSC-BC-2023-12, F00264/A02, Specialist Prosecutor, *Annex 2 to Submission of Amended Confirmed Indictment* ("Case 12 Indictment"), 16 April 2025; KSC-BC-2023-12, F00544, Pre-Trial Judge, *Decision Transmitting the Case File to Single Trial Judge* ("Decision Transmitting Case 12 to Single Trial Judge"), 12 November 2025.

[42] *See* F01977, Panel, *Further Decision on Prosecution Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli and Rexhep Selimi* ("Decision on Detention Conditions"), 1 December 2023, paras 35-39; F03442, Panel, *Decision on Second Prosecution Request to Modify Detention Conditions*, 3 September 2025, confidential and *ex parte*, paras 21-27 (a public redacted version was issued on 10 October 2025, F03442/RED); Twenty-Fourth Detention Decision, para. 21.

[43] Case 12 Indictment, paras 6-8, 45-46; Decision Transmitting Case 12 to Single Trial Judge, para. 28

[44] Twenty-Fourth Detention Decision, para. 22. *See also* KSC-BC-2020-05, F00494/RED, Trial Panel, *Trial Judgment*, 19 January 2023, para. 57 (a corrected version was filed on 8 June 2023, F00494/RED3/COR).

(c) Risk of Committing Further Crimes

25. With reference to the Panel's previous findings in the Twenty-Fourth Detention Decision, the SPO submits that Mr Thaçi continues to present a risk of committing further crimes.[45] Additionally, the SPO asserts that those circumstances relevant to assessing the risk of obstructing the progress of SC proceedings are equally applicable in this context, and accordingly incorporates them.[46] The SPO submits that the fact that Mr Thaçi now has specific insight into the overall case, and the evidence against him, increases the risk that he may commit additional crimes, including against witnesses who have provided evidence in the case.[47]

26. The Panel recalls its finding in the Twenty-Fourth Detention Decision that the risk of Mr Thaçi committing further crimes continues to exist.[48] The Panel finds that the same factors that were taken into account in relation to the risk of obstruction are relevant to the analysis of the risk of Mr Thaçi committing further crimes.[49] The Panel also notes that as discussed above,[50] the conclusion of the presentation of evidence in the case does not alter the Panel's conclusion. In light of these factors, the Panel considers that no new circumstances have arisen since the last detention review that would justify a different finding in respect of this matter.

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

[45] SPO Submissions, para. 21 *referring to* Twenty-Fourth Detention Decision, paras 24-26.
[46] SPO Submissions, para. 22.
[47] SPO Submissions, para. 25.
[48] Twenty-Fourth Detention Decision, para. 25.
[49] *See supra,* paras 19-24; Twenty-Fourth Detention Decision, para. 25.
[50] *See supra*, para. 21.

3. Conclusion

28. The Panel concludes that, at this time, there continues to be insufficient information before it justifying a finding that Mr Thaçi may abscond from justice if released. However, the Panel is satisfied, based on the relevant standard, that there is a sufficient risk that Mr Thaçi 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

29. Referencing this Panel's previous findings, the SPO submits that: (i) the relevant risks can only be effectively managed at the SC Detention Facilities;[51] (ii) none of the formerly proposed conditions, nor any additional measures foreseen in Article 41(12), could sufficiently mitigate the existing risks;[52] (iii) it is only through the communication monitoring framework applicable at the SC Detention Facilities that Mr Thaçi's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes;[53] (iv) nothing has occurred since the Twenty-Fourth Detention Decision warranting a different assessment on conditions, either generally or for a discrete period of time;[54] and (v) Mr Thaçi's conduct now represents such an extraordinarily heightened risk that even the standard communications restrictions and monitoring of the SC Detention Facilities are insufficient.[55]

[51] SPO Submissions, para. 26.
[52] SPO Submissions, para. 27.
[53] SPO Submissions, para. 29.
[54] SPO Submissions, para. 30.
[55] SPO Submissions, para. 30.

30. When deciding whether a person should be released or detained, the Panel must consider alternative measures to prevent the risks provided in Article 41(6)(b).[56] 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 and to ensure the 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).[57] The Panel must therefore consider all reasonable alternative measures that could be imposed, not only those raised by the Parties.[58]

31. Regarding the risks of obstructing the progress of SC proceedings and committing further crimes, the Panel finds that none of the formerly proposed conditions, nor any additional measures foreseen in Article 41(12), could sufficiently mitigate the existing risks.[59] Furthermore, the Panel finds that the measures in place at the SC Detention Facilities, viewed as a whole, provide robust assurances against unmonitored visits and communications with family members and pre-approved visitors with a view to minimising the risks of obstruction and commission of further crimes.[60] Moreover, they offer a controlled environment

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[56] Regarding 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 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 ("*Idalov v. Russia* [GC]"), 22 May 2012, para. 140 *in fine*.

[57] 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, *Idalov v. Russia [GC]*, para. 140.

[58] IA003/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Interim Release*, 30 April 2021, confidential, para. 86 (a public redacted version was filed on the same day, IA003/F00005/RED); KSC-BC-2020-05, F00127, Trial Panel I, *Fourth Decision on Review of Detention*, 25 May 2021, para. 24.

[59] Twenty-Fourth Detention Decision, para. 30.

[60] Twenty-Fourth Detention Decision, para. 30.

where a potential breach of confidentiality could be more easily identified and/or prevented.[61]

32. The Panel further maintains that it is only through the communication monitoring framework provided at the SC Detention Facilities, including those further measures ordered by the Panel,[62] that Mr Thaçi's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.[63]

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

C. REASONABLENESS OF DETENTION

34. With reference to the Panel's previous finding, the SPO submits that Mr Thaçi's detention remains proportional and reasonable, especially in light of the continuing reasonable progression of the proceedings.[64]

35. 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.[65] The special features in this case include: (i) Mr Thaçi's influence and authority; (ii) his knowledge of the charges and the evidence against him, and a possibly lengthy prison sentence; (iii) the risk that Mr Thaçi would obstruct SC proceedings; (iv) the risk of committing, instigating, or assisting further crimes;

[61] Twenty-Fourth Detention Decision, para. 30.
[62] Decision on Detention Conditions, para. 84(c); F03308, Panel, *Decision Reviewing the Conditions of Detention Modified in F01977*, 4 July 2025, confidential, paras 71-72, 91-92, 113(b).
[63] Twenty-Fourth Detention Decision, para. 31.
[64] SPO Submissions, paras 31-32 *referring to* Twenty-Fourth Detention Decision, paras 34-35.
[65] Third Appeal Decision on Detention, para. 65.

(v) the fact that restrictive measures on release are not sufficient to mitigate the risks identified above; and (vi) the gravity and the complexity of the charges against Mr Thaçi.[66]

36. In light of these circumstances, and the fact that the risks of obstructing the proceedings and of committing further crimes continue to exist – neither of which can be sufficiently mitigated by the application of reasonable alternative measures – the Panel finds that Mr Thaçi's detention for a further two months is necessary and reasonable under the specific circumstances of the case.

37. The Panel notes, however, that Mr Thaçi 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.

[66] Twenty-Fourth Detention Decision, para. 34.

V. DISPOSITION

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

(a) **ORDERS** Mr Thaçi's continued detention; and

(b) **ORDERS** the SPO to file submissions on the next review of Mr Thaçi's detention by no later than **Friday, 20 March 2026, at 16:00**, with the response and reply following the timeline set out in Rule 76.

Judge Charles L. Smith, III
Presiding Judge

Dated this Tuesday, 10 February 2026
At The Hague, the Netherlands.