



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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Eighth Decision on Review of Detention of Hashim Thaçi

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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"), 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 seven 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 9 March 2026, the Specialist Prosecutor's Office ("SPO") filed submissions on the periodic review of Mr Thaçi's detention.⁶

3. The Defence for Mr Thaçi ("Thaçi Defence") made no submissions.

II. SUBMISSIONS

4. The SPO requests the Single Trial Judge to order Mr Thaçi's continued detention as there is no meaningful change in circumstances that would undermine the findings made in previous detention reviews.⁷ The SPO submits that all three risks under Article 41(6)(b) continue to exist⁸ and that no potential conditions of release can appropriately mitigate those risks.⁹ The SPO submits Mr Thaçi's continued detention remains proportionate given the limited further passage of time, "swift progress" of the proceedings, and potentially lengthy sentence Mr Thaçi faces if convicted.¹⁰

III. APPLICABLE LAW

5. 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 and must be applied and

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; On 12 November 2025, the Pre-Trial Judge transmitted the complete case file to the Single Trial Judge: F00544, Pre-Trial Judge, *Decision Transmitting the Case File to Single Trial Judge*, 12 November 2025, public. F00597, Single Trial Judge, *Sixth Decision on Review of Detention of Hashim Thaçi* ("Sixth Review Decision"), 3 December 2025, public, F00718, Single Trial Judge, *Seventh Decision on Review of Detention of Hashim Thaçi* ("Seventh Review Decision"), 3 February 2026, public.

⁶ KSC-BC-2023-12, F00781, Specialist Prosecutor, *Prosecution Submissions on Review of Detention of Hashim Thaçi* ("SPO Submissions"), 9 March 2026, public.

⁷ SPO Submissions, para. 4.

⁸ SPO Submissions, para. 4.

⁹ SPO Submissions, paras 2, 8-9, 11.

¹⁰ SPO Submissions, para. 10.

interpreted in conformity with the Constitution of Kosovo and the (European) Convention for the Protection of Human Rights and Fundamental Freedoms.¹¹

6. The Single Trial Judge notes that each bi-monthly review of detention is a *de novo* assessment.¹² 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.¹³

7. Further, “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*.”¹⁴ The Single Trial Judge understands that although he is not “required” to revisit findings made in previous detention

¹¹ See, for example, [Seventh Review Decision](#), para. 7; [Sixth Review Decision](#), para. 7; [Fifth Review Decision](#), paras 9-12; [Second Review Decision](#), paras 14-15 (general requirements), para. 16 (grounded suspicion), paras 19-22 (necessity of detention), para. 36 (conditional release), para. 40 (proportionality), and references cited therein; [First Review Decision](#), paras 12-13 (general requirements), para. 14 (grounded suspicion), paras 17-20 (necessity of detention), para. 37 (conditional release), para. 41 (proportionality).

¹² 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](#) (“Krasniqi Appeal Decision”), 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.

¹³ 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 [Krasniqi Appeal Decision](#), 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.”).

¹⁴ 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.

reviews, he is nevertheless under an obligation to ensure 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

8. Based on the findings in the Confirmation Decision,¹⁵ 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

9. The SPO submits that the factors establishing Mr Thaçi’s risk of flight 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; and (iii) his means and opportunity to flee.¹⁶

10. 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.”¹⁷

¹⁵ [Confirmation Decision](#), para. 313(a).

¹⁶ SPO Submissions, para. 5.

¹⁷ 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.

11. Considering 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, at this time, 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

12. The SPO submits that the following factors indicate a real risk that Mr Thaçi would obstruct the progress of the SC proceedings if provisionally released: (i) the grounded suspicion of his extensive efforts to obstruct Case 06; (ii) his alleged leadership role in such 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) presently unknown Defence witnesses being subject to influence.¹⁸ Further, the SPO submits there is a real risk that, if released, Mr Thaçi will “use the opportunity to further target Case 06 witnesses and to pressure potential Defence witnesses and uncharged co-perpetrators in this case.”¹⁹ The SPO also submits that this real risk remains irrespective of the “mitigating factors” recognised previously by the Single Trial Judge, particularly in the context of a pervasive climate of fear and intimidation in Kosovo against witnesses and potential witnesses of the SC.²⁰

13. The Single Trial Judge previously accepted that the risk of obstruction is reduced relative to prior detention reviews in light of: (i) the closure of the evidentiary proceedings in Case 06;²¹ and (ii) the increased certainty that the SPO’s evidence in Case 12 would not rely on witnesses or documentary evidence that could be influenced or otherwise tampered with by Mr Thaçi or anyone likely to act on his behalf.²² However, the Single Trial Judge did consider that there was a certain

¹⁸ SPO Submissions, para. 6.

¹⁹ SPO Submissions, para. 10.

²⁰ SPO Submissions, para. 6.

²¹ [Seventh Review Decision](#), para. 14; KSC-BC-2020-06, F03639, Trial Panel II, [Notice of Close of Evidentiary Proceedings](#), 18 December 2025, public, para. 26.

²² [Seventh Review Decision](#), para. 14; [Sixth Review Decision](#), para. 18; See 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.

risk that individuals who might be called as Defence witnesses in this case, whose identity was not yet known, could be subject to influence.²³

14. Since the Seventh Review Decision, the SPO has closed its case,²⁴ and the identity of Defence witnesses is now known, following their Rule 119(2) notifications.²⁵ The witnesses who may appear for the Defence, given the expected content of their testimony and/or circumstances, are not likely to be subject to any influence by Mr Thaçi or anyone who is likely to act on his behalf. Based on the presently available information, the Single Trial Judge considers that the previously identified risk of interference with Defence witnesses is reduced relative to prior detention reviews.²⁶

15. Nonetheless, the Single Trial Judge finds that 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; and (iii) the allegation that these efforts included seeking the cooperation of, and giving instructions to, individuals who are at liberty in Kosovo. These risks must also be viewed in the context of a prevalent climate of witness

²³ [Seventh Review Decision](#), para. 15.

²⁴ KSC-BC-2023-12, F00792, Specialist Prosecutor, *Prosecution Notice Pursuant to Rule 129*, 13 March 2026, public, para. 1.

²⁵ Only Mr Thaçi and Isni Kilaj have elected to call a defence case. See KSC-BC-2023-12, F00827, Thaçi Defence, *Thaçi Defence Notice and Submissions of Witness and Exhibits Lists pursuant to Rule 119*, 27 March 2026, public, para. 1; F00819, Kilaj Defence, *Kilaj Defence Notice Pursuant to Rule 119(1) and Submission of List of Witnesses and List of Exhibits Pursuant to Rule 119(2)*, 27 March 2026, public, para. 1; F00823, Fazliu Defence, *Fazliu Defence Rule 119 Notice*, 27 March 2026, public, para. 1; F00828, Smakaj Defence, *Bashkim Smakaj Defence Notice Pursuant to Rule 119(1)*, 27 March 2026, public, para. 1; F00830, Kuçi Defence, *Kuçi Defence Rule 119 Notice*, 30 March 2026, public, paras 1-2. See also F00822, Thaçi Defence, *Thaçi Defence Request for Admission of Evidence of Witness DHT-01 pursuant to Rule 153*, 27 March 2026, confidential; F00820, Kilaj Defence, *Kilaj Defence Motion for Admission of Statements of Four Character Witnesses Pursuant to Rule 153*, 27 March 2026, public.

²⁶ [Seventh Review Decision](#), para. 15; [Sixth Review Decision](#), para. 19.

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.

intimidation in Kosovo, in particular in respect of investigations and prosecutions of crimes attributed to ex-KLA members.²⁸ Given the various ways in which evidence could still be heard, including the possibility of witnesses being summoned by the court or rebuttal or rejoinder evidence until the closing of the case,²⁹ this risk, though diminished, remains real.

16. For these reasons, the Single Trial Judge considers the requisite degree of risk under Article 41(6)(b)(ii) remains.

3. Risk of Committing Further Offences

17. Concerning the risk of Mr Thaçi committing further offences, the SPO relies on their submissions on the risk of obstruction.³⁰ The SPO submits the risk is particularly acute with respect to Defence witnesses who may provide evidence in the present case.³¹

18. 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 risk that alleged further offences would be committed for that purpose.³²

19. Accordingly, the Single Trial Judge concludes the requisite degree of risk that Mr Thaçi may commit further offences under Article 41(6)(b)(iii) continues to exist.

²⁸ KSC-BC-2023-12, F00706, Single Trial Judge, [Decision on Prosecution Motion for Judicial Notice of an Adjudicated Fact](#), 29 January 2026, para. 20; [Seventh Review Decision](#), para. 15; [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.

²⁹ See Rules 132, 133, and 136.

³⁰ SPO Submissions, para. 7.

³¹ SPO Submissions, para. 7.

³² See also [Seventh Review Decision](#) para. 17; [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.

4. Conclusion

20. The Single Trial Judge is satisfied a real risk remains 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

21. An accused “can only be detained if lesser measures would be insufficient to mitigate the risks of flight, obstruction or commission of further crimes.”³³ 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.³⁴

22. The Single Trial Judge is not persuaded that any reasonable conditions of release could satisfactorily mitigate, at this stage, the risk that the Mr Thaçi may obstruct the progress of SC proceedings or commit further offences.³⁵ Notably, the Single Trial Judge is of the view that any conditions that could be feasibly imposed

³³ [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.

³⁴ KSC-BC-2020-06, IA003-F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Rexhep Selimi’s Appeal Against Decision on Interim Release](#) (“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”).

³⁵ [Seventh Review Decision](#), para. 21; [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.

would not: (i) address, for example, 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; or (ii) ensure the effective monitoring of Mr Thaçi's communications.³⁶

23. 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.³⁷

24. 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

25. 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.³⁸ The SPO "carries the burden of establishing that detention is necessary and that its length remains reasonable,"³⁹ and "any analysis of pre-trial detention must take the presumption of innocence as

³⁶ [Seventh Review Decision](#), para. 21; [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.

³⁷ [Seventh Review Decision](#), para. 22; [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](#) ("Thaçi 2021 Appeal Decision"), 27 October 2021, public, para. 68.

³⁸ 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, 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 (SPO arguing that detention of Krasniqi "remains proportional").

³⁹ See [Second Kilaj Detention Appeal Decision](#), para. 47.

its starting point.”⁴⁰ 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.”⁴¹ 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.

26. Previous jurisprudence establishes that reasonableness is to be assessed by weighing various considerations, including: the duration of detention at the time of review;⁴² “the nature of the offence as well as the severity of the penalty”;⁴³ “the degree of risks that are described in Article 41(6)(b) of the Law”;⁴⁴ the speed with which proceedings are progressing towards trial (or a final judgment), and whether the length of proceedings is justified by its complexity;⁴⁵ and the frequent review of detention which, pursuant to the Rules, occurs every two months.⁴⁶ Ultimately, the reasonableness of continued detention “must be assessed on the facts of each case and according to its special features.”⁴⁷

27. The SPO argues Mr Thaçi’s continued detention remains proportionate and reasonable considering the identified risks.⁴⁸ The SPO points to the limited time since the Seventh Review Decision, that Mr Thaçi faces a potentially lengthy

⁴⁰ See [Selimi Appeal Decision](#), para. 37.

⁴¹ See KSC-BC-2020-07, IA001-F00005, Court of Appeals Panel, [Decision on Hysni Gucati’s Appeal on Matters Related to Arrest and Detention](#), 9 December 2020, public, para. 73.

⁴² See [Selimi Appeal Decision](#), paras 79-81.

⁴³ 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.”).

⁴⁴ 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 [Thaçi 2021 Appeal Decision](#), para. 49.

⁴⁵ 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.”).

⁴⁶ See [Selimi Appeal Decision](#), para. 81.

⁴⁷ See [Thaçi 2022 Appeal Decision](#), para. 65.

⁴⁸ SPO Submissions, para. 10.

sentence if convicted and the “swift progress” of the case.⁴⁹ The SPO highlights the “real risk” of Mr Thaçi, if released, targeting Case 06 witnesses, potential defence witnesses in Case 12 and uncharged co-perpetrators, coupled with his “demonstrated and blatant disregard” for SC rules “renders his continued detention both necessary and proportionate”.⁵⁰ The SPO further submits that admitted evidence in Case 12 reinforces Mr Thaçi’s “leadership and organising role” and “entrenches Mr Thaçi’s incentive to interfere with witnesses in Case 06 and this case.”⁵¹

28. The Single Trial Judge finds that Mr Thaçi’s detention continues to be reasonable and proportionate. The degree of risk under Article 41(6)(b)(ii) must be assessed in light of the leadership role alleged against Mr Thaçi in the commission of the 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.⁵² This risk cannot be effectively mitigated by any reasonable release conditions.⁵³ Although certain factors have arisen that reduce the opportunity or incentive to obstruct, the risk nevertheless remains substantial.⁵⁴

29. The proportionality of detention must also be viewed in light of the sentencing range for the charges against Mr Thaçi, which is much higher than that against his co-Accused, three of whom have now been released on the basis that their detention had reached the point of being disproportionate.⁵⁵ Meanwhile, this case is progressing speedily. Since the Seventh Review Decision, the SPO has closed its

⁴⁹ SPO Submissions, para. 10.

⁵⁰ SPO Submissions, para. 10.

⁵¹ SPO Submissions, para. 10.

⁵² [Amended Confirmed Indictment](#), para. 45.

⁵³ *See supra* para. 22.

⁵⁴ *See supra* paras 15, 16.

⁵⁵ KSC-BC-2023-12, F00720, Single Trial Judge, [Public Redacted Version of Seventh Decision on Review of Detention of Fadil Fazliu](#), 3 February 2026, public, paras 54-55; F00719, Single Trial Judge, [Public Redacted Version of Seventh Decision on Review of Detention of Bashkim Smakaj](#), 3 February 2026, public, paras 49-50; F00599, Single Trial Judge, [Public Redacted Version of Sixth Decision on Review of Detention of Isni Kilaj](#), 3 December 2025, public, para. 47.

case and any Defence witnesses will be heard, according to the current schedule, by 28 April 2026.⁵⁶

30. The Single Trial Judge has duly considered the additional time Mr Thaçi spent in detention since the Seventh Review Decision, and that he has now been detained for almost 16 months in the context of these proceedings.⁵⁷ Nevertheless, this period of detention remains reasonable and proportionate in light of the factors described in paragraphs 28 and 29 above.

31. Moreover, pursuant to Article 41(10) and Rule 57(2), Mr Thaçi's detention will be regularly reviewed upon the expiry of two 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.

32. Accordingly, the Single Trial Judge finds the time Mr Thaçi has spent in pre-trial detention is not unreasonable within the meaning of Rule 56(2).

⁵⁶ KSC-BC-2023-12, CRSPD266, *Email from Single Trial Judge re 9 April 2026*, 16 March 2026, confidential.

⁵⁷ *See supra* para. 1.

V. DISPOSITION

33. 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, 4 May 2026, at 16h00**, with response and reply following the timeline set out in Rule 76 of the Rules; 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, 11 May 2026, at 16h00**, and Mr Thaçi, if he so wishes, to file his response by **Monday, 18 May 2026, at 16h00**.



Judge Christopher Gosnell
Single Trial Judge

Dated this Thursday, 2 April 2026

At The Hague, the Netherlands.