



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA 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

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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-Fifth Detention Decision”)¹ include the following:

2. Between 9 and 18 February 2026, the Panel heard the closing statements of the Parties and Victims’ Counsel in the case.²

3. On 18 February 2026, the Presiding Judge declared the case to be closed pursuant to Rule 136(1).³

4. On 19 March 2026, following a request by the Defence for Rexhep Selimi,⁴ the Panel issued a second decision reviewing the modified detention conditions of the relevant Accused, including Mr Thaçi.⁵

5. On 19 March 2026, the Specialist Prosecutor’s Office (“SPO”) filed its submissions on the review of Mr Thaçi’s detention (“SPO Submissions”).⁶

¹ F03672, Panel, *Decision on Periodic Review of Detention of Hashim Thaçi*, 10 February 2026.

² Transcripts of Hearings, 9-13, 16, 18 February 2026.

³ Transcript of Hearing, 18 February 2026, p. 29238.

⁴ F03671, Specialist Counsel, *Selimi Defence Request for Rescission of Contract Restrictions*, 30 January 2026, confidential (a public redacted version was filed on 26 March 2026, F03671/RED).

⁵ F03708, Panel, *Decision on Selimi Defence Request for Rescission of Contract Restrictions* (“Decision on Selimi Defence Request for Rescission of Contract Restrictions”), 19 March 2026, confidential.

⁶ F03705, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Hashim Thaçi*, 19 March 2026.

6. On 1 April 2026, the Defence for Mr Thaçi (“Thaçi Defence”) filed a response to the SPO Submissions (“Response”).⁷

7. The SPO did not file a reply.

II. SUBMISSIONS

8. The SPO submits that Mr Thaçi’s detention continues to be justified.⁸ 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.⁹ 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.¹⁰

9. The Thaçi Defence responds that Mr Thaçi is not a flight risk,¹¹ as held and confirmed by the Panel in its recent decisions on detention.¹² In relation to the risk of obstruction of proceedings, the Thaçi Defence highlights that the Panel recently found that the potential for interference is limited.¹³ The Thaçi Defence further submits that, in the event that the Panel concludes, before the next review of Mr Thaçi’s detention, that Mr Thaçi is acquitted of charges in these proceedings or that it will enter a conviction followed by the imposition of a sentence that is not higher than the time Mr Thaçi already spent in detention, his release should

⁷ F03715, Specialist Counsel, *Thaçi Defence Response to ‘Prosecution Submission pertaining to Periodic Detention Review of Hashim Thaçi’ (F03705)*, 1 April 2026, confidential (a public redacted version was filed on the same day, F03715/RED).

⁸ SPO Submissions, paras 1, 9-31.

⁹ SPO Submissions, paras 1, 9.

¹⁰ SPO Submissions, paras 1, 23-30.

¹¹ Response, para. 10.

¹² Response, para 11.

¹³ Response, para 14 referring to F03700, Panel, *Decision on Periodic Review of Detention of Kadri Veseli* (“Decision on Periodic Review of Detention of Kadri Veseli”), 16 March 2026, para. 25, confidential (a public redacted version was filed on the same day, F03700/RED).

be immediately ordered in these proceedings even if the written judgment has not yet been completed.¹⁴

III. APPLICABLE LAW

10. 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.¹⁵ The Panel will apply these standards to the present decision.

IV. DISCUSSION

11. 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 remand still exist.¹⁶ A change in circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.¹⁷

12. In light of the current stage of proceedings, namely after the closing statements and the closing of the case, 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.

¹⁴ Response, paras 16, 23, referring to Rule 159(3). See also Response, paras 17-22.

¹⁵ 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 filed on 6 October 2022, F00994/RED).

¹⁶ 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 filed on the same date, IA022/F00005/RED).

¹⁷ 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 filed on the same date, IA010/F00008/RED).

A. ARTICLE 41 CRITERIA

1. Grounded Suspicion

13. 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.¹⁸

14. The SPO submits that there remains a grounded suspicion that Mr Thaçi has committed a crime within the jurisdiction of the SC.¹⁹

15. 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, 14(1)(c) and 16(1)(a).²⁰ 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.²¹ These findings were made on the basis of a standard

¹⁸ See ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, [Judgment](#), 28 November 2017, para. 222.

¹⁹ SPO Submissions, para. 10.

²⁰ 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.

²¹ 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

exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a).²²

16. 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

17. 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.²³ Detention shall be maintained if there are articulable grounds to believe that one or more of these risks will materialise.²⁴ “Articulable” in this context means specified in detail by reference to the relevant information or evidence.²⁵ In determining whether any of the grounds under Article 41(6)(b)

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).

²² 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 filed on the same date, IA008/F00004/RED).

²³ 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.

²⁴ 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 filed on the same date, IA004/F00005/RED).

²⁵ 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”.

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.²⁶

(a) Risk of Flight

18. 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.²⁷ In addition, the SPO submits that Mr Thaçi is now facing confirmed charges regarding his alleged attempts to obstruct proceedings and commit further crimes.²⁸ The SPO argues that these circumstances heighten Mr Thaçi's motivation to flee, creating a sufficiently real possibility that he will abscond.²⁹

19. The Thaçi Defence responds that Mr Thaçi is not a flight risk as: (i) neither the Pre-Trial Judge nor the Panel ever assessed him as being a flight risk;³⁰ (ii) he has continued to cooperate, appear and engage with the trial process over the past three years in a manner which is incompatible with a desire to abscond from justice and spend his life on the run;³¹ (iii) the Panel has confirmed in its most recent decision on detention that Mr Thaçi's continued detention is not justified based on the risk of flight and the factors taken into account by the Panel, such as Mr Thaçi's presumption of innocence and his cooperation with the relevant authorities, have not changed;³² and (iv) the Panel dismissed the SPO's arguments that the risk of flight is heightened by Mr Thaçi's knowledge of the evidence in relation to the alleged crimes, the possible imposition of a lengthy sentence and

²⁶ First Appeal Decision on Detention, para. 22.

²⁷ SPO Submissions, para. 12.

²⁸ SPO Submissions, para. 12.

²⁹ SPO Submissions, para. 12.

³⁰ Response, para. 10.

³¹ Response, para. 10.

³² Response, para. 11.

his awareness of charges of criminal offences against the administration of justice against him, and no new circumstances have since arisen.³³

20. The Panel notes that the SPO is making substantially the same arguments that were considered and rejected by the Panel in previous decisions,³⁴ in relation to 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.³⁵ The Panel further notes that the Thaçi Defence is putting forward arguments similar to those already considered by the Panel.³⁶ 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.³⁷ The Panel considers that this principle applies equally to the Panel and to the current stage of the proceedings.³⁸

21. 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.³⁹ The Panel therefore finds that Mr Thaçi's continued

³³ Response, para. 12.

³⁴ Compare SPO Submissions, para. 12 with F03669, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Hashim Thaçi*, 21 January 2026, para. 14.

³⁵ See Twenty-Fifth Detention Decision, paras 16-17.

³⁶ See F03253, Panel, *Decision on Periodic Review of Detention of Hashim Thaçi*, 11 June 2025, para. 17.

³⁷ 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.

³⁸ 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.

³⁹ See First Appeal Decision on Detention, para. 24.

detention is not justified at this time based on the risk of flight pursuant to Article 41(6)(b)(i).

(b) Risk of Obstructing the Progress of SC Proceedings

22. With reference to this Panel's previous findings, the SPO submits that Mr Thaçi continues to present a risk of obstructing the proceedings.⁴⁰ The SPO argues that, while the Panel has noted that the risk of interference at the present moment is limited,⁴¹ a general climate of witness interference persists in Kosovo regarding this case and others before the SC, which, as held by the Court of Appeals, is a relevant contextual consideration.⁴² In this respect, the SPO adds that the closing of the case and the impending trial judgment has heightened the public scrutiny of the case and increased pressure on witnesses.⁴³

23. Furthermore, the SPO contends that the disclosure of highly sensitive information to the Thaçi Defence, including to the Accused, necessarily results in it becoming known to a broader range of people, thereby increasing the risk of such information reaching the public and undermining effective witness protection in the event of the Accused's release.⁴⁴ In this respect, the SPO asserts that this risk has realised, as evidenced by the continued progress of KSC-BC-2023-12 ("Case 12") and 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

⁴⁰ SPO Submissions, paras 13-15, 17.

⁴¹ SPO Submissions, para. 16 *referring to* Decision on Periodic Review of Detention of Kadri Veseli, para. 25.

⁴² SPO Submissions, para. 16.

⁴³ SPO Submissions, para. 16.

⁴⁴ SPO Submissions, paras 14.

regarding the form and content of their upcoming testimony, resulting in the Panel modifying the conditions of detention .⁴⁵

24. According to the SPO, this demonstrates that the risk of obstruction is not only well-founded but that Mr Thaçi has actively engaged in unlawful conduct that is detrimental to the safety, security and well-being of witnesses and directly prejudicial to the integrity of the proceedings, thereby presenting an extraordinarily heightened risk of obstructing the proceedings.⁴⁶

25. The Thaçi Defence submits that its ability to respond to the SPO's submissions on the risk of obstruction is limited, as the SPO relies on a report from the Witness Protection and Support Office ("WPSO Report"), which the Defence has limited access to.⁴⁷

26. The Thaçi Defence responds that, regarding any risk of interference with witnesses in parallel proceedings, the Panel found that "at the present moment, the potential for interference is limited".⁴⁸ The Thaçi Defence also recalls that, in reaching that conclusion, the Panel considered that the SPO had recently closed its case in Case 12, and the Single Trial Judge found that "'none of the SPO's witnesses in Case 12, given their circumstances, are likely to be subject to the influence' of the accused in that case or their associates".⁴⁹ The Thaçi Defence further submits that any risk of interference related to Case 12 will continue to decrease in the coming weeks.⁵⁰

⁴⁵ SPO Submissions, para. 15.

⁴⁶ SPO Submissions, para. 17.

⁴⁷ Response, para 13, *referring to* F03697/A01, Registrar, *Annex 1 to Registrar's and WPSO's Submissions*, 13 March 2026, strictly confidential and *ex parte*, p. 2. A confidential redacted version was filed in F03702, Registrar, *Submission of Redacted Version of F03697/A01 and Request for Reclassification of F03697 and F03697/A02*, 17 March 2026, confidential, with Annex 1 ("WPSO Report"), strictly confidential.

⁴⁸ Response, para 14 *referring to* Decision on Periodic Review of Detention of Kadri Veseli, para 25.

⁴⁹ Response, para 14 *referring to* Decision on Periodic Review of Detention of Kadri Veseli, para 25.

⁵⁰ Response, para. 14.

27. At the outset, the Panel is satisfied that, given the limited extent to which the SPO relies on the WPSO Report,⁵¹ as well as the limited extent of the redactions therein, the Thaçi Defence was in a position to meaningfully respond to the SPO's submissions on the risk of obstruction.⁵²

28. 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) knowledge of the evidence underpinning the serious charges against him.⁵³

29. The Panel recalls that the names and personal details of certain highly sensitive SPO witnesses have been disclosed to the Thaçi Defence and have therefore become known to a broader range of people, including to Mr Thaçi.⁵⁴ 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 testified, 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 closing of 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; and (ii) attempts to incentivise a witness to recant.⁵⁵

⁵¹ SPO Submissions, para. 16, footnote 42.

⁵² *Contra* Response, para. 13.

⁵³ Twenty-Fifth Detention Decision, para. 20; *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 filed on 26 January 2021, F00177/RED).

⁵⁴ *See* Twenty-Fifth Detention Decision, para. 21.

⁵⁵ *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 filed on the same day, F03176/COR2/RED).

30. The Panel recalls that proceedings regarding allegations of interference in the present case are ongoing, namely Case 12,⁵⁶ and that the Panel has previously found that the risk of interference also extended to attempts to interfere with witnesses in parallel proceedings.⁵⁷ In this respect, the Panel considers that this particular risk is lower, noting that the Single Trial Judge has found that “[t]he witnesses who will appear for the SPO, given their circumstances, are not likely to be subject to any influence by Mr Thaçi or anyone who is likely to act on his behalf”⁵⁸ and that thereafter the SPO has closed its case.⁵⁹ Furthermore, Mr Thaçi enjoys the presumption of innocence in the context of Case 12 as well.

31. 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.⁶⁰ 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.

32. 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.⁶¹ In this respect, the Panel notes that it has recently received a

⁵⁶ 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*, 12 November 2025.

⁵⁷ Twenty-Fifth Detention Decision, para. 21.

⁵⁸ KSC-BC-2023-12, F00718, Single Trial Judge, *Seventh Decision on Review of Detention of Hashim Thaçi*, 3 February 2026, para. 14.

⁵⁹ KSC-BC-2023-12, F00792, Specialist Prosecutor, *Prosecution Notice Pursuant to Rule 129* (“Case 12 SPO Notice Pursuant to Rule 129”), 13 March 2026, para. 1.

⁶⁰ 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 filed on 10 October 2025, F03442/RED); Twenty-Fifth Detention Decision, para. 22.

⁶¹ Twenty-Fifth Detention Decision, para. 23. *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).

report from WPSO confirming that, at a minimum, a climate of witness intimidation still persists in Kosovo.⁶² This climate, as the Court of Appeals Panel confirmed, is a relevant consideration for the purpose of assessing the existence of a risk under Article 41(6)(b)(ii).⁶³ In this regard, the Panel is also mindful of its duty to protect both the integrity of the proceedings and witnesses. For the reasons stated above, the Panel rejects the Defence's arguments.⁶⁴

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

(c) Risk of Committing Further Crimes

34. With reference to the Panel's previous findings in the Twenty-Fifth Detention Decision, the SPO submits that Mr Thaçi continues to present a risk of committing further crimes.⁶⁵ 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, and that no new circumstances have arisen since the last detention review.⁶⁶ 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.⁶⁷

35. The Panel recalls its finding in the Twenty-Fifth Detention Decision that the risk of Mr Thaçi committing further crimes continues to exist.⁶⁸ The Panel finds

⁶² WPSO Report.

⁶³ See *e.g.*, First Appeal Decision on Detention, paras 76-77; 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, para. 31.

⁶⁴ Response, para. 14.

⁶⁵ SPO Submissions, para. 18 referring to Twenty-Fifth Detention Decision, paras 24-26.

⁶⁶ SPO Submissions, para. 19.

⁶⁷ SPO Submissions, para. 22.

⁶⁸ Twenty-Fifth Detention Decision, para. 26.

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.⁶⁹ The Panel also notes that as discussed above,⁷⁰ the closing of 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.

36. 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).

3. Conclusion

37. 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. The Panel will assess below whether these risks can be adequately addressed by any conditions for his release.

B. MEASURES ALTERNATIVE TO DETENTION

38. Referencing this Panel's previous findings, the SPO submits that: (i) the relevant risks can only be effectively managed at the SC Detention Facilities;⁷¹ (ii) none of the formerly proposed conditions, nor any additional measures foreseen in Article 41(12), could sufficiently mitigate the existing risks;⁷² (iii) it is

⁶⁹ See above, paras 24-33; Twenty-Fifth Detention Decision, para. 26.

⁷⁰ See above, para. 30.

⁷¹ SPO Submissions, para. 23.

⁷² SPO Submissions, para. 24.

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;⁷³ (iv) nothing has occurred since the Twenty-Fifth Detention Decision warranting a different assessment on conditions, either generally or for a discrete period of time;⁷⁴ 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.⁷⁵

39. 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).⁷⁶ 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).⁷⁷ The Panel must therefore consider all reasonable alternative measures that could be imposed, not only those raised by the Parties.⁷⁸

⁷³ SPO Submissions, para. 26.

⁷⁴ SPO Submissions, para. 27.

⁷⁵ SPO Submissions, para. 27.

⁷⁶ 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*.

⁷⁷ 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.

⁷⁸ 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.

40. 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.⁷⁹ 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.⁸⁰ Moreover, they offer a controlled environment where a potential breach of confidentiality could be more easily identified and/or prevented.⁸¹

41. 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,⁸² that Mr Thaçi's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.⁸³

42. 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).

⁷⁹ Twenty-Fifth Detention Decision, para. 31.

⁸⁰ Twenty-Fifth Detention Decision, para. 31.

⁸¹ Twenty-Fifth Detention Decision, para. 31.

⁸² 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); Decision on Selimi Defence Request for Recission of Contract Restrictions, paras 64-68, 84, 86(b) and(d).

⁸³ Twenty-Fifth Detention Decision, para. 32.

C. REASONABLENESS OF DETENTION

43. 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, including the recent closing of the case.⁸⁴

44. 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.⁸⁵ 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; (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.⁸⁶

45. 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.

46. The Panel notes, however, that Mr Thaçi has already been in detention for a significant period of time. 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 proceedings proceed as expeditiously as possible. The Panel will continue to monitor at every stage in these proceedings whether continued detention is

⁸⁴ SPO Submissions, paras 28-30 referring to Twenty-Fifth Detention Decision, paras 34-35.

⁸⁵ IA017/F00011, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention*, 5 April 2022, confidential, para. 65 (a public redacted version was filed on the same date, IA017/F00011/RED).

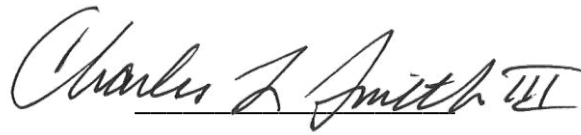
⁸⁶ Twenty-Fifth Detention Decision, para. 35.

necessary and reasonable. In this regard, the Panel is mindful of, and remain acutely attentive to, its obligations under the SC's legal framework, including under Rule 159.⁸⁷

V. DISPOSITION

47. 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, 15 May 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 Friday, 10 April 2026
At The Hague, the Netherlands.

⁸⁷ See Response, paras 16, 23. See also Response, paras 17-22.