



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2020-06

**The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli,  
Rexhep Selimi, and Jakup Krasniqi**

**Before:** Trial Panel II

Judge Charles L. Smith III, Presiding Judge

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

**Registrar:** Fidelma Donlon

**Date:** 16 March 2026

**Language:** English

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**Public Redacted Version of Decision on Periodic Review of Detention of Rexhep  
Selimi**

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**TRIAL PANEL II** (“Panel”), pursuant to Articles 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 Rexhep Selimi (“Mr Selimi” or “Accused”) has been set out extensively in previous decisions concerning the same issue. Relevant events since the twenty-fourth review of Mr Selimi’s detention on 16 January 2026 (“Twenty-Fourth Detention Decision”) include those set out below.<sup>1</sup>

2. Between 9 and 18 February 2026, the Panel heard the closing statements of the Parties and participant in the case.<sup>2</sup>

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

4. On 19 February 2026, the Specialist Prosecutor’s Office (“SPO”) filed its submissions on the continued detention of Mr Selimi (“SPO Submissions”).<sup>4</sup>

5. On 2 March 2026, the Defence for Mr Selimi (“Selimi Defence”) responded to the SPO Submissions (“Selimi Defence Response”).<sup>5</sup>

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<sup>1</sup> F03661, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi*, 16 January 2026.

<sup>2</sup> Transcripts of Hearings, 9-13, 16, 18 February 2026.

<sup>3</sup> Transcript of Hearing, 18 February 2026, p. 29238, line 23.

<sup>4</sup> F03684, Specialist Prosecutor, *Prosecution Submissions Pertaining to Periodic Detention Review of Rexhep Selimi*, 19 February 2026.

<sup>5</sup> F03689, Specialist Counsel, *Selimi Defence Response to Prosecution Submission pertaining to Periodic Detention Review of Rexhep Selimi*, 2 March 2026, confidential.

6. On 5 March 2026, the SPO replied to the Selimi Defence Response (“SPO Reply”).<sup>6</sup>

## II. SUBMISSIONS

7. The SPO requests that the detention of Mr Selimi continue as, since the last review of Mr Selimi’s detention, there has been no change in circumstances that would affect the factors supporting the need and reasonableness of detention.<sup>7</sup> To the contrary, the SPO submits that the continued progression of the trial, and related developments, add to the necessity and reasonableness of Mr Selimi’s detention.<sup>8</sup>

8. The Selimi Defence responds that the continued detention of Mr Selimi is no longer necessary, proportionate, or reasonable, in light of the current stage of the proceedings, and the risks identified in the SPO Submissions.<sup>9</sup> In this respect, the Selimi Defence argues that none of the risks under Article 41(6)(b) can justify Mr Selimi’s continued detention, as: (i) the level of risks has substantially decreased, in light of the completion of the evidentiary proceedings; and (ii) the SPO’s submissions in this regards are insufficient.<sup>10</sup> In addition, the Selimi Defence argues that, taking into consideration the substantially lower risk under Article 41(6)(b), the continued detention of Mr Selimi is no longer proportionate.<sup>11</sup> Therefore, the Selimi Defence requests that the Panel orders the conditional release of Mr Selimi, subject to any conditions and safeguards deemed necessary by the Panel, for the period preceding the pronouncement of the trial judgment.<sup>12</sup>

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<sup>6</sup> F03694, Specialist Prosecutor, *Prosecution Reply to Selimi Defence Response F03689*, 5 March 2026, confidential.

<sup>7</sup> SPO Submissions, paras 1, 9, 31.

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

<sup>9</sup> Selimi Defence Response, para. 1.

<sup>10</sup> Selimi Defence Response, para. 2.

<sup>11</sup> Selimi Defence Response, para. 14.

<sup>12</sup> Selimi Defence Response, para. 22.

9. The SPO replies that the Selimi Defence Response fails to present any argument capable of displacing the Panel's conclusion that Mr Selimi continues to present a risk of obstructing proceedings and further offending, which cannot be mitigated by any conditions of provisional release.<sup>13</sup> The SPO further submits that Mr Selimi's detention continues to be proportionate and reasonable,<sup>14</sup> and that Mr Selimi should remain detained.<sup>15</sup>

### III. APPLICABLE LAW

10. The law applicable to deciding the present matter is set out in Article 41(6), (10), and (12) and Rules 56-57, and has been laid out extensively in earlier decisions.<sup>16</sup> The Panel will apply the same standards to the present decision.

### IV. DISCUSSION

11. The purpose of the bi-monthly review of detention pending trial pursuant to Article 41(10) is to determine whether reasons justifying detention still exist.<sup>17</sup> A change in circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.<sup>18</sup>

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<sup>13</sup> SPO Reply, para. 1.

<sup>14</sup> SPO Reply, para. 1.

<sup>15</sup> SPO Reply, para. 9.

<sup>16</sup> See for example, F00580, Pre-Trial Judge, *Decision on Remanded Detention Review and Periodic Review of Detention of Rexhep Selimi* ("Third Detention Decision"), 26 November 2021, confidential, para. 20, with further references (a public redacted version was filed on 8 December 2021, F00580/RED).

<sup>17</sup> IA022/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Periodic Review of Detention*, 22 August 2022, confidential, para. 37 (a public redacted version was filed on the same day, IA022/F00005/RED).

<sup>18</sup> IA007/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Review of Detention* ("Second Appeals Decision on Selimi's Detention"), 1 October 2021, confidential, para. 14 (a public redacted version was filed on the same day, IA007/F00005/RED).

## A. ARTICLE 41 CRITERIA

### 1. Grounded Suspicion

12. As regards the threshold for continued detention, Article 41(6)(a) requires a grounded suspicion that the detained person has committed a crime within the jurisdiction of the Specialist Chambers (“SC”). This is a condition *sine qua non* for the validity of the detained person’s continued detention.<sup>19</sup>

13. The SPO submits that the criterion in Article 41(6)(a) is still met.<sup>20</sup> In the SPO’s view, nothing has occurred that could detract from the Pre-Trial Judge’s findings that there remains a well-grounded suspicion that Mr Selimi has committed a crime within the jurisdiction of the SC.<sup>21</sup>

14. The Panel notes that, pursuant to Article 39(2), the Pre-Trial Judge determined that there was a well-grounded suspicion that Mr Selimi is criminally responsible 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).<sup>22</sup> Moreover, the Pre-Trial Judge found that a well-grounded suspicion has also been established with regard to the new charges brought by the

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<sup>19</sup> Similarly, ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, [Judgment](#), 28 November 2017, para. 222.

<sup>20</sup> SPO Submissions, para. 10.

<sup>21</sup> SPO Submissions, para. 10.

<sup>22</sup> F00026, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte*, para. 521(a)(i)-(ii). A confidential redacted version was filed on 19 November 2020, F00026/CONF/RED. A public redacted version was filed on 30 November 2020, F00026/RED. The Specialist Prosecutor submitted the confirmed indictment in F00034, Specialist Prosecutor, *Submission of Confirmed Indictment and Related Requests*, 30 October 2020, confidential, with Annex 1, strictly confidential and *ex parte*, and Annexes 2-3, confidential; F00045/A03, Specialist Prosecutor, *Further Redacted Indictment*, 4 November 2020; F00134, Specialist Prosecutor, *Lesser Redacted Version of Redacted Indictment*, KSC-BC-2020-06/F00045/A02, 4 November 2020, 11 December 2020, confidential. A further corrected confirmed indictment was submitted on 3 September 2021, strictly confidential and *ex parte* (F00455/A01), with confidential redacted (F00455/CONF/RED/A01) and public redacted (F00455/RED/A01) versions. On 17 January 2022, the Specialist Prosecutor submitted a confidential, corrected, and lesser redacted version of the confirmed indictment, F00647/A01.

SPO against Mr Selimi with the requested amendments to the indictment.<sup>23</sup> These findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a).<sup>24</sup>

15. Absent any new material circumstances affecting the above finding, the Panel finds that there continues to be a grounded suspicion that Mr Selimi 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

16. 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 further commission of crimes.<sup>25</sup> These grounds must be “articulable” in the sense that they must be specified in detail by reference to the relevant information or evidence.<sup>26</sup>

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<sup>23</sup> F00777, Pre-Trial Judge, *Decision on the Confirmation of Amendments to the Indictment*, 22 April 2022, strictly confidential and *ex parte*, para. 183. A confidential redacted version (F00777/CONF/RED), a public redacted version (F00777/RED), a confidential lesser redacted version (F00777/CONF/RED2) and a confidential further lesser redacted version (F00777/CONF/RED3) were filed, respectively, on 22 April 2022, 6 May 2022, 16 May 2022 and 21 September 2023. The requested amendments are detailed at para. 11. A confirmed amended indictment was then filed by the SPO on 29 April 2022, strictly confidential and *ex parte* (F00789/A01), with confidential redacted (F00789/A02) and public redacted (F00789/A05) versions. On 30 September 2022, the SPO submitted a confirmed further amended indictment (“Confirmed Indictment”), confidential (F00999/A01), with a public redacted version (F00999/A03). A public lesser redacted version (F01296/A03) and a public further lesser redacted version (F01323/A01) were filed, respectively, on 15 February 2023 and 27 February 2023.

<sup>24</sup> See for example, F00372, Pre-Trial Judge, *Decision on Review of Detention of Rexhep Selimi* (“Second Detention Decision”), 25 June 2021, confidential, para. 19 (a public redacted version was filed on 30 June 2021, F00372/RED).

<sup>25</sup> Cf. ECtHR, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, [Judgment](#), 5 July 2016 (“*Buzadji v. the Republic of Moldova* [GC]”), para. 88; ECtHR, *Zohlandt v. the Netherlands*, no. 69491/16, 9 February 2021, [Judgment](#), para. 50; ECtHR, *Grubnyk v. Ukraine*, no. 58444/15, 17 September 2020, [Judgment](#), para. 115; ECtHR, *Korban v. Ukraine*, no. 26744/16, 4 July 2019, [Judgment](#), para. 155.

<sup>26</sup> Article 19.1.31 of the Kosovo Criminal Procedure Code 2022, Law No. 08/L-032 defines “articulable” as: “the party offering the information or evidence must specify in detail the information or evidence being relied upon”. See also IA003/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi’s Appeal Against Decision on Interim Release* (“First Appeals Decision on Selimi’s Detention”), 30 April 2021, confidential, para. 43 (a public redacted version was filed on the same day, IA003/F00005/RED).

In determining whether any of the grounds under Article 41(6)(b) allowing for a person's detention exist, the standard to be applied is less than certainty, but more than a mere possibility of a risk materialising.<sup>27</sup>

(a) Risk of Flight

17. The SPO submits that Mr Selimi continues to satisfy the applicable risk of flight standard.<sup>28</sup> Specifically, the SPO asserts that Mr Selimi: (i) is aware of the charges against him and the possibility of a serious sentence, if convicted; and (ii) now has full knowledge about the evidence and the case against him.<sup>29</sup> The SPO adds that the closure of the case and commencement of deliberations mean that the possible imposition of a sentence against Mr Selimi becomes more concrete.<sup>30</sup> The SPO further contends that Mr Selimi is also aware "of the evidence of conduct that has necessitated modification of his conditions of detention, which the Panel has acknowledged may undermine or undo its prior finding that he has cooperated with relevant authorities."<sup>31</sup> Lastly, the SPO argues that all of the above must be considered in the context of prior findings concerning Mr Selimi's means to travel.<sup>32</sup>

18. The Selimi Defence responds that Mr Selimi is not a flight risk, noting that the Panel has consistently rejected the SPO's submissions to the contrary and that this conclusion is reinforced by Mr Selimi's voluntary surrender and continued cooperation with the SC.<sup>33</sup> Moreover, the Selimi Defence responds that the SPO's claim that the risk of flight is elevated due to the possibility of a sentence against

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<sup>27</sup> First Appeals Decision on Selimi's Detention, para. 40.

<sup>28</sup> SPO Submissions, para. 12.

<sup>29</sup> SPO Submissions, para. 12.

<sup>30</sup> SPO Submissions, para. 12.

<sup>31</sup> SPO Submissions, para. 12 referring to F02060, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi*, 15 January 2024, para. 13.

<sup>32</sup> SPO Submissions, para. 12.

<sup>33</sup> Selimi Defence Response, para. 3.

Mr Selimi becoming more concrete is incompatible with the presumption of innocence.<sup>34</sup>

19. The Panel notes that the SPO is putting forward substantially the same arguments that this Panel has already considered and rejected in relation to this issue.<sup>35</sup> In this regard, the Panel recalls the finding of the Court of Appeals Panel that the Pre-Trial Judge should not be expected to entertain submissions that merely repeat arguments that have already been addressed in previous decisions.<sup>36</sup> The Panel considers that this principle applies equally to the current stage of the proceedings.

20. In respect of the SPO's argument that the closure of the case and commencement of deliberations are among the factors elevating Mr Selimi's risk of flight, the Panel recalls its previous findings that similar procedural steps, such as the closing of the evidentiary proceedings, do not automatically increase Mr Selimi's risk of flight.<sup>37</sup> Similarly, the Panel considers that the closure of the case does not affect the Accused's enjoyment of the presumption of innocence, and, in itself, does not make the possible imposition of a sentence against Mr Selimi more concrete. In light of the above, the Panel has not found any additional factor sufficiently compelling to affect the previous finding regarding the risk of flight.

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<sup>34</sup> Selimi Defence Response, para. 3.

<sup>35</sup> See Twenty-Fourth Detention Decision, paras 14-17; SPO Submissions, para. 12.

<sup>36</sup> KSC-BC-2020-04, IA003/F00005/RED, Court of Appeals Panel, *Public Redacted Version of Decision on Pjetër Shala's Appeal Against Decision on Review of Detention*, 11 February 2022, para. 18, holding that a panel may refer to findings in prior decisions if it is satisfied that the evidence or information underpinning those decisions still supports the findings made at the time of the review.

<sup>37</sup> Twenty-Fourth Detention Decision, para. 16; F03482, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi*, 18 September 2025, para. 21; F03175, Panel, *Consolidated Decision on Selimi Defence Request for Provisional Release and on Periodic Review of Detention of Rexhep Selimi* ("Twenty-First Detention Decision"), 13 May 2025, confidential, para. 27 (a corrected version and a public redacted corrected version were filed on 11 June 2025, F03175/COR and F03175/COR/RED, respectively).

21. Therefore, while the risk of flight can never be completely ruled out, the Panel finds that Mr Selimi's continued detention may not be justified at this time on the ground of the risk of flight as set out in Article 41(6)(b)(i).

(b) Risk of Obstructing the Progress of SC Proceedings

22. The SPO submits that Mr Selimi continues to pose a risk of obstructing the proceedings also upon the closure of the case, as witnesses can remain at risk of obstruction even after their testimony.<sup>38</sup> The SPO recalls that the Panel reiterated its determination that: (i) Mr Selimi enjoys a position of influence considering his past and present influential positions in Kosovo, including as Minister of Internal Affairs and having been elected to the Kosovo Assembly; (ii) there is a persistent climate of intimidation of witnesses and interference with criminal proceedings against former Kosovo Liberation Army ("KLA") members; and (iii) the proceedings continue to advance and Mr Selimi continues to gain insight into the evidence underpinning the serious charges against him.<sup>39</sup>

23. The SPO adds that a general climate of witness interference persists in Kosovo regarding this case, which the Court of Appeals Panel has agreed is a relevant consideration.<sup>40</sup> The SPO further avers that the closure of the case and impending trial judgment has heightened public scrutiny and increased pressure on witnesses.<sup>41</sup>

24. Lastly, the SPO submits that the Panel has previously noted the risk of highly sensitive information, in particular pertaining to witnesses, becoming known to a broader range of persons, including the public, and that this risk has now materialised as it appears that Mr Selimi disclosed privileged information to

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<sup>38</sup> SPO Submissions, para. 13, with further references.

<sup>39</sup> SPO Submissions, para. 15.

<sup>40</sup> SPO Submissions, para. 16, with further references.

<sup>41</sup> SPO Submissions, para. 16.

unauthorised third parties resulting in the Panel modifying Mr Selimi's detention conditions.<sup>42</sup>

25. The Selimi Defence responds that the SPO Submissions asserting that Mr Selimi poses a risk of obstructing the proceedings ignore the completion of the evidentiary proceedings, which is a significant change in circumstances from the Panel's Twenty-Fourth Detention Decision.<sup>43</sup> In addition, the Selimi Defence recalls jurisprudence from international tribunals granting provisional release following the closure of the proceedings and recognising the completion of evidentiary proceedings as significantly reducing the risks of interference with witnesses and to the integrity of proceedings.<sup>44</sup>

26. The Selimi Defence further responds that, at this stage, no more evidence can be brought before the Panel unless warranted by exceptional circumstances and, therefore, the Accused would not be in a position to rely on any hypothetical recantation.<sup>45</sup> With reference to the risk of recantation, the Selimi Defence adds that the SPO: (i) relies excessively on an exclusively conjectural risk; (ii) relies on detention decisions issued in other cases before the SC, underpinned by factual particularities that do not apply to Mr Selimi; and (iii) fails to demonstrate how Mr Selimi's increased knowledge of the case increases the risk of interference.<sup>46</sup> Moreover, the Selimi Defence recalls the Court of Appeals Panel's findings that

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<sup>42</sup> SPO Submissions, paras 14, 17 referring to F01977, Panel, *Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi* ("Decision Modifying Detention Conditions"), 1 December 2023, paras 41, 51-53, 55-60, 62-64, 66-72, 74-78, 84(b); F03308, Panel, *Decision Reviewing the Conditions of Detention Modified in F01977* ("Decision Reviewing the Modified Detention Conditions"), 4 July 2025, confidential, paras 71-71, 91-92.

<sup>43</sup> Selimi Defence Response, para. 4.

<sup>44</sup> Selimi Defence Response, para. 5, with further references. *See also* para. 8, with further references.

<sup>45</sup> Selimi Defence Response, para. 6.

<sup>46</sup> Selimi Defence Response, paras 6-8.

increased knowledge of the case alone is insufficient to warrant the denial of provisional release.<sup>47</sup>

27. The Selimi Defence further avers that the SPO's claims as to the risk of retaliation against witnesses who have testified in the proceedings are meritless, as they rely on generic and unsubstantiated arguments which bear no relevance to the conduct of Mr Selimi and fail to meet the required evidentiary threshold.<sup>48</sup> Moreover, the Selimi Defence recalls the Court of Appeals Panel's finding that the climate of intimidation is incapable of establishing, by itself, a risk of obstruction to the proceedings.<sup>49</sup> The Selimi Defence adds that Mr Selimi's prior inadvertent disclosure in no way is indicative of the possibility that Mr Selimi will engage in retaliatory conduct.<sup>50</sup>

28. Finally, the Selimi Defence avers that the SPO also fails to substantiate its claims as to the risk of obstruction with parallel proceedings, which is merely speculative, in particular, in light of the Single Trial Judge's findings in Case 12 in relation to the continued detention of one of the accused in that case.<sup>51</sup>

29. The SPO replies that the Selimi Defence's submissions fail to consider the Panel's findings that the risk of obstruction still exists in the Twenty-Fourth Detention Decision, which was issued after the closure of the evidentiary proceedings.<sup>52</sup> The SPO also recalls the Panel's express findings that, regardless of the stage of the case, a risk of retaliation against witnesses or efforts to incentivise them to recant still exists,<sup>53</sup> and submits that those risks are particularly grave

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<sup>47</sup> Selimi Defence Response, para. 8, referring to 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* ("Appeals Decision on the Twenty-First Detention Decision"), 13 August 2025, para. 30.

<sup>48</sup> Selimi Defence Response, paras 9-10.

<sup>49</sup> Selimi Defence Response, para. 9, referring to First Appeals Decision on Selimi's Detention, para. 43.

<sup>50</sup> Selimi Defence Response, para. 10.

<sup>51</sup> Selimi Defence Response, para. 11, with further references.

<sup>52</sup> SPO Reply, para. 2, referring to Twenty-Fourth Detention Decision, paras 24, 31-33.

<sup>53</sup> SPO Reply, para. 3, referring to, *inter alia*, Twenty-Fourth Detention Decision, para. 23.

given that Mr Selimi has previously disclosed privileged information to unauthorised third parties.<sup>54</sup>

30. The Panel preliminarily notes that the Selimi Defence argues that the completion of the evidentiary proceedings is a significant change in circumstances arising after the Panel's last review of detention.<sup>55</sup> The Panel recalls that the Twenty-Fourth Detention Decision was issued after the conclusion of the evidentiary proceedings, but prior to the closure of the case.<sup>56</sup> Therefore, the Panel has considered the closure of the case as the relevant change in circumstances alleged for the purposes of the present review.

31. The Panel takes note of the Selimi Defence's submissions that the SPO fails to substantiate its claims as to the existence of a risk of Mr Selimi obstructing the proceedings.<sup>57</sup> In this regard, the Panel reiterates that it has conducted, as it does for each review of detention, a *de novo* assessment in light of the totality of the information before it, including the Parties' submissions.<sup>58</sup> The Panel further recalls that the Court of Appeals Panel held that "nothing prevents a trial panel from relying on a factor that it previously relied upon, regardless of when the evidence underpinning this factor was first presented, as long as it is persuaded that the evidence, at the time of the decision, remains sufficient to justify the finding in question".<sup>59</sup>

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<sup>54</sup> SPO Reply, para. 3.

<sup>55</sup> Selimi Defence Response, para. 4.

<sup>56</sup> See *above*, paras 1, 3, with further references.

<sup>57</sup> See *e.g.* Selimi Defence Response, paras 9-11.

<sup>58</sup> See *below* paras 32-40, with further references. See also F03176, Panel, *Consolidated Decision on Krasniqi Defence Request for Provisional Release and on Periodic Review of Detention of Jakup Krasniqi*, 13 May 2025, confidential, para. 49 (a corrected version was filed on 14 May 2025, F03176/COR; a further corrected version and a public redacted version of the further corrected version were filed on 11 June 2025, F03176/COR2 and F03176/COR2/RED, respectively).

<sup>59</sup> IA035/F00005, Court of Appeals Panel, *Decision on Jakup Krasniqi's Appeal Against Consolidated Decision on Request for Provisional Release and on Review of Detention*, 13 August 2025, confidential, para. 28, footnote 129 (a public redacted version was filed on 14 August 2025, IA035/F00005).

32. The Panel has already determined and reiterates that: (i) Mr Selimi continues to enjoy a position of influence in Kosovo from his former and current functions, including as Minister of Internal Affairs and having been elected to the Kosovo Assembly;<sup>60</sup> (ii) there is a persisting climate of intimidation of witnesses and interference with criminal proceedings against former KLA members;<sup>61</sup> and (iii) through the advancement of the proceedings Mr Selimi has gained insight into the evidence underpinning the serious charges against him.<sup>62</sup>

33. With respect to the persistent climate of witness intimidation, the Panel further notes that the closure of the case has heightened public scrutiny and that it has recently received a report from the Witness Protection and Support Office confirming that, at a minimum, a climate of witness intimidation still persists in Kosovo (“WPSO Assessment”).<sup>63</sup> 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).<sup>64</sup> In this regard, the Panel is also mindful of its duty to protect both the integrity of the proceedings and protected witnesses.

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<sup>60</sup> See for example, F00179, Pre-Trial Judge, *Decision on Rexhep Selimi’s Application for Interim Release* (“First Detention Decision”), 22 January 2021, confidential, para. 37 (a public redacted version was filed on 26 January 2021, F00179/RED); First Appeals Decision on Selimi’s Detention, para. 63; Second Detention Decision, para. 40; Second Appeals Decision on Selimi’s Detention, paras 33-34; Third Detention Decision, para. 33; F00802, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi* (“Fourth Detention Decision”), 13 May 2022, confidential, para. 31 (a public redacted version was filed on 24 May 2022, F00802/RED); F01213, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi* (“Seventh Detention Decision”), 17 January 2023, confidential, paras 23-24 (a public redacted version was filed on 18 January 2023, F01213/RED).

<sup>61</sup> See for example, First Detention Decision, para. 42; Second Detention Decision, para. 41; Third Detention Decision, para. 34; Fourth Detention Decision, para. 32; Seventh Detention Decision, paras 23-24; Twenty-Fourth Detention Decision, para. 21.

<sup>62</sup> See for example, Fourth Detention Decision, para. 33; F00979, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi*, 19 September 2022, confidential, para. 29 (a public redacted version was filed on 30 September 2022, F00979/RED); F01111, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi*, 18 November 2022, confidential, para. 27 (a public redacted version was filed on the same day, F01111/RED); Seventh Detention Decision, paras 23-24; Twenty-Fourth Detention Decision, para. 21.

<sup>63</sup> F03697/A01, Registrar, *Annex 1 to Registrar’s and WPSO’s Submissions*, 13 March 2026, strictly confidential and *ex parte*, p. 2.

<sup>64</sup> See e.g. Appeals Decision on the Twenty-First Detention Decision, para. 31.

34. As previously noted, the names and personal details of certain highly sensitive witnesses have been disclosed to the Selimi Defence and have therefore become known to a broader range of persons, including the Accused. This, in turn, increases the risk that sensitive information pertaining to witnesses becomes known to members of the public. In this context, the Panel considers that, regardless of the current stage of this case, the release of an Accused with sensitive information in his possession would not be conducive to the effective protection of witnesses who already testified in these proceedings.

35. The Panel recalls its finding, which was upheld by the Court of Appeals Panel,<sup>65</sup> that the risk of interference which detention seeks to prevent also includes any attempt to retaliate against or incentivise to recant witnesses who have already testified.<sup>66</sup> While the Selimi Defence argues that the current stage of the case means that no incentive exists for an accused to attempt to obstruct the proceedings by securing recantation,<sup>67</sup> the Panel disagrees with this argument. In this regard, the Panel notes that the WPSO Assessment concluded, [REDACTED].<sup>68</sup> Moreover, the Panel recalls that, even after the closure of the case, Rule 136(2) foresees the possibility for the Panel to hear new evidence in exceptional circumstances. The Panel is of the view that, while this would of course be a case-specific assessment, a witness offering to recant their evidence might be a situation configuring the exceptional circumstances foreseen by Rule 136(2).

36. The Panel recalls that it previously found that the risk of interference also extended to attempts to interfere with witnesses in parallel proceedings,<sup>69</sup> and that a case regarding allegations of interference in the present proceedings is ongoing, namely, Case 12. The Panel agrees, however, that the potential for interference is

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<sup>65</sup> Appeals Decision on the Twenty-First Detention Decision, paras 47-54, footnote 140.

<sup>66</sup> Twenty-First Detention Decision, para. 36. *See also* Twenty-Fourth Detention Decision, para. 22.

<sup>67</sup> Selimi Defence Response, para. 6.

<sup>68</sup> WPSO Assessment, p. 5.

<sup>69</sup> Twenty-Fourth Detention Decision, para. 22; *See also* Appeals Decision on the Twenty-First Detention Decision, paras 47-54, footnote 140.

limited, noting, in particular, that the SPO has recently filed a notice of the closure of its case,<sup>70</sup> and the Single Trial Judge's findings 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.<sup>71</sup>

37. The Panel further recalls its finding that it appears that Mr Selimi disclosed privileged information to unauthorised third parties.<sup>72</sup> Such conduct supports and reinforces the Panel's finding that the release of Mr Selimi constitutes a risk of obstruction with the progress of SC proceedings.<sup>73</sup>

38. The Panel also takes note of the Selimi Defence's arguments that, as found by the Court of Appeals Panel, the climate of intimidation is incapable of establishing, by itself, the risk of obstruction to the proceedings, and that increased knowledge of the case alone is insufficient to warrant a denial of provisional release.<sup>74</sup> While the Panel agrees that one of these factors alone would be insufficient to justify continued detention due to the existence of a risk of obstructing the proceedings, the Panel also recalls that the Court of Appeals Panel, in making such findings, also found that these *were* relevant factors in determining whether a risk under Article 41(6)(b)(ii) exists.<sup>75</sup> In addition, on that occasion, the Court of Appeals Panel ultimately upheld the Panel's conclusion that such a risk still existed, as the Panel had not relied exclusively on those factors to reach its conclusions.<sup>76</sup> Similarly, in this instance, the Panel has performed a holistic evaluation of

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<sup>70</sup> KSC-BC-2023-12/F00792, Specialist Prosecutor, *Prosecution Notice pursuant to Rule 129*, 13 March 2026.

<sup>71</sup> KSC-BC-2023-12/F00719/RED, Single Trial Judge, *Public Redacted Version of Seventh Decision on Review of Detention of Bashkim Smakaj*, 10 February 2026, para. 29; KSC-BC-2023-12/F00719/RED, Single Trial Judge, *Public Redacted Version of Seventh Decision on Review of Detention of Fadil Fazliu*, 10 February 2026, para. 32.

<sup>72</sup> Decision Modifying Detention Conditions, paras 35-37.

<sup>73</sup> Twenty-First Detention Decision, para. 38; Appeals Decision on the Twenty-First Detention Decision, paras 50, 53. *See also* Twenty-Fourth Detention Decision, para. 23.

<sup>74</sup> Selimi Defence Response, paras 8-9, *referring to* Appeals Decision on the Twenty-First Detention Decision, paras 30-32.

<sup>75</sup> Appeals Decision on the Twenty-First Detention Decision, paras 30-31.

<sup>76</sup> Appeals Decision on the Twenty-First Detention Decision, paras 30-31.

multiple factors, including, but not limited to, those mentioned above, which, considered together, led it to conclude that a risk of obstruction still exists in the circumstances of this case.<sup>77</sup>

39. The Panel takes note of the jurisprudence of other international tribunals referenced in the Selimi Defence Response in respect of provisional release pending the issuance of a trial judgment.<sup>78</sup> The Panel recalls that, as confirmed by the Court of Appeals Panel, a risk assessment pursuant to Article 41(6)(b)(ii) of the Law is necessarily case-specific.<sup>79</sup> Accordingly, the Panel has performed its assessment in light of the specific features of this case, and concluded that these do not warrant coming to the same conclusions reached in other instances referred to by the Selimi Defence, especially in light of the specific circumstances concerning the climate of witness intimidation in Kosovo.<sup>80</sup>

40. Lastly, the Panel recalls its finding in the Twenty-Fourth Detention Decision that, in light of the conclusion of the evidentiary proceedings, “relative to the last detention review, the risk of obstruction of Case 06 proceedings is reduced”.<sup>81</sup> However, the Panel is of the view that the closure of the case does not meaningfully reduce the risk of obstruction, unlike the conclusion of the evidentiary proceedings did at the time of the previous review of detention. Indeed, the Panel considers the close of the case to be of limited effect here, as the primary change in circumstances supporting that finding in the Twenty-Fourth Detention Decision was that the Panel had heard all the evidence in the case. The Panel does not consider the formal closure of the case to be similarly capable of substantially reducing the risk of obstruction.

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<sup>77</sup> See above paras 32-37.

<sup>78</sup> See Selimi Defence Response, paras 5, 8.

<sup>79</sup> Appeals Decision on the Twenty-First Detention Decision, para. 44.

<sup>80</sup> See *similarly* Twenty-First Detention Decision, para. 37; Appeals Decision on the Twenty-First Detention Decision, paras 43-44.

<sup>81</sup> Twenty-Fourth Detention Decision, para. 24.

41. Accordingly, the Panel concludes that the risk that Mr Selimi will obstruct the progress of SC proceedings if released, as set out in Article 41(6)(b)(ii), continues to exist.

(c) Risk of Committing Further Crimes

42. The SPO submits that Mr Selimi continues to present a risk of committing further crimes. Specifically, the SPO recalls the Panel's finding that the factors assessed as to whether there is a risk of obstructing proceedings under Article 41(6)(b)(ii) are also relevant when considering whether there is a risk of further crimes were Mr Selimi to be released.<sup>82</sup> The SPO submits that there is an unacceptable risk given the finding that Mr Selimi has divulged confidential information, and that such risk is furthered by the fact that Mr Selimi now has specific insight into the overall case and evidence against him.<sup>83</sup> The SPO adds that the crimes against humanity and war crimes that Mr Selimi is charged with are extremely serious, and they are alleged to have been committed in cooperation with others as well as personally by Mr Selimi.<sup>84</sup>

43. The Selimi Defence responds that, as the factors considered in relation to Article 41(6)(b)(iii) coincide with Article 41(6)(b)(ii), the SPO's claims as to the former are equally unsubstantiated and fail to prove that there is more than a mere possibility of the risks under Article 41(6)(b) materialising.<sup>85</sup> The Selimi Defence further avers that the closure of the evidentiary proceedings has, by its nature, substantially decreased the risks justifying Mr Selimi's continued detention.<sup>86</sup>

44. The SPO replies that the Selimi Defence' submissions fail to consider the Panel's findings as to the risk of further crimes still existing in the Twenty-Fourth

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<sup>82</sup> SPO Submissions, paras 19-20.

<sup>83</sup> SPO Submissions, para. 22.

<sup>84</sup> SPO Submissions, para. 21.

<sup>85</sup> Selimi Defence Response, paras 12-13.

<sup>86</sup> Selimi Defence Response, para. 13.

Detention Decision, which was issued after the closure of the evidentiary proceedings.<sup>87</sup>

45. The Panel recalls its finding in the Twenty-Fourth Detention Decision, and taking into account the current stage of the proceedings, still considers that the risk of Mr Selimi committing further crimes continues to exist.<sup>88</sup> Moreover, the Panel finds that the same factors that were taken into account in relation to the risk of obstruction above are relevant to the analysis of the risk of Mr Selimi committing further crimes.<sup>89</sup> The Panel notes that there is no new information since the Twenty-Fourth Detention Decision that would lead to a different conclusion.

46. The Panel considers that, taking all factors together, and having found that the risk that Mr Selimi will obstruct the progress of SC proceedings if released continues to exist,<sup>90</sup> there continues to be a risk that Mr Selimi will commit further crimes as set out in Article 41(6)(b)(iii).

### 3. Conclusion

47. The Panel concludes that at this time there continues to be insufficient information before it justifying a finding that Mr Selimi may abscond from justice. However, the Panel is satisfied, based on the relevant standard, that there is a risk that Mr Selimi will obstruct the progress of SC proceedings or 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 Mr Selimi's release.

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<sup>87</sup> SPO Reply, para. 2, *referring to* Twenty-Fourth Detention Decision, paras 24, 27.

<sup>88</sup> Twenty-Fourth Detention Decision, para. 27.

<sup>89</sup> *See above* paras 32-41; Twenty-Fourth Detention Decision, para. 27.

<sup>90</sup> *See above* para. 41.

## B. MEASURES ALTERNATIVE TO DETENTION

48. The SPO submits that no alternative measures sufficiently mitigate the Article 41(6)(b) risks posed by Mr Selimi. The SPO recalls that the Panel has consistently concluded that the risks of obstructing the proceedings and committing further offences can only be effectively managed at the SC detention facilities (“SC Detention Facilities”).<sup>91</sup> The SPO adds that nothing has occurred since the Twenty-Fourth Detention Decision warranting a different assessment. Rather, Mr Selimi’s conduct represents such an extraordinarily heightened risk that the Panel modified the detention conditions to impose stricter conditions.<sup>92</sup>

49. When deciding on whether a person should be released or detained, the Panel must consider alternative measures to prevent the risks in Article 41(6)(b).<sup>93</sup> Article 41(12) sets out a number of options to be considered in order to ensure the accused’s presence at trial, to prevent reoffending or to ensure successful conduct of proceedings. In this respect, the Panel recalls that detention should only be continued if there are no alternative, more lenient measures reasonably available that could sufficiently mitigate the risks set out in Article 41(6)(b).<sup>94</sup> The Panel must therefore consider all reasonable alternative measures that could be imposed and not only those raised by the Parties.<sup>95</sup>

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<sup>91</sup> SPO Submissions, paras 23-26, referring to Twenty-Fourth Detention Decision, paras 32-33.

<sup>92</sup> SPO Submissions, para. 27.

<sup>93</sup> As regards the obligation to consider “alternative measures”, see KSC-CC-PR-2017-01, F00004, Specialist Chamber of the Constitutional Court, *Judgment on the Referral of the Rules of Procedure and Evidence Adopted by Plenary on 17 March 2017 to the Specialist Chamber of the Constitutional Court Pursuant to Article 19(5) of Law no. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office* (“SCCC 26 April 2017 Judgment”), 26 April 2017, para. 114. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC], para. 87 *in fine*; ECtHR, *Idalov v. Russia* [GC], no. 5826/03, [Judgment](#), 22 May 2012 (“*Idalov v. Russia* [GC]”), para. 140 *in fine*.

<sup>94</sup> SCCC 26 April 2017 Judgment, para. 114; KSC-CC-PR-2020-09, F00006, Specialist Chamber of the Constitutional Court, *Judgment on the Referral of Amendments to the Rules of Procedure and Evidence Adopted by the Plenary on 29 and 30 April 2020*, 22 May 2020, para. 70. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC], para. 87 *in fine*; ECtHR, *Idalov v. Russia* [GC], para. 140 *in fine*.

<sup>95</sup> First Appeals Decision on Selimi’s Detention, para. 86.

50. As regards the risks of obstructing the progress of SC proceedings and committing further crimes, the Panel finds that none of the previously proposed conditions, nor any additional measures foreseen in Article 41(12) ordered *proprio motu* could at this stage in the proceedings sufficiently mitigate the existing risks.<sup>96</sup> In particular, the Panel considers that the recording mechanisms in place at the SC Detention Facilities, and the staff of the Registrar, seen as a whole, provide robust assurances against the risks associated with unmonitored forms of communications, such as written messages or in-person exchanges, and communications with family members and pre-approved visitors.<sup>97</sup> Moreover, the measures in place at the SC Detention Facilities offer a controlled environment where a potential breach of confidentiality could be more easily identified and/or prevented,<sup>98</sup> considering, for example, the Registrar's powers to refuse visits and impose proportionate and necessary measures to address any credible risks of confidential information being disclosed.<sup>99</sup>

51. In light of the foregoing, the Panel concludes that it is only through the communication monitoring framework applicable at the SC Detention Facilities, including those additional measures ordered by the Panel,<sup>100</sup> that Mr Selimi's

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<sup>96</sup> See for example, Third Detention Decision, para. 72; IA015/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention* ("Third Appeals Decision on Selimi's Detention"), 25 March 2022, confidential, paras 33-44, 48-52, 61 (a public redacted version was filed on the same day, IA015/F00005/RED); Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 39; Twenty-First Detention Decision, para. 60; Twenty-Fourth Detention Decision, para. 32.

<sup>97</sup> See for example, Third Detention Decision, para. 72; Third Appeals Decision on Selimi's Detention, paras 33-44, 48-52, 61; Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 38; Twenty-First Detention Decision, para. 59; Twenty-Fourth Detention Decision, para. 32.

<sup>98</sup> See for example, Third Detention Decision, para. 61; Third Appeals Decision on Selimi's Detention, para. 42; Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 38; Twenty-First Detention Decision, para. 59; Twenty-Fourth Detention Decision, para. 32.

<sup>99</sup> Twenty-Fourth Detention Decision, para. 32; Twenty-First Detention Decision, para. 59; F02115, Panel, *Decision on Registry Notification in Relation to Court-Ordered Protective Measures and Request for Guidance Pursuant to Decision F01977*, 9 February 2024, confidential, para. 32 (a public redacted version was filed on the same day, F02115/RED).

<sup>100</sup> See Decision Modifying Detention Conditions, paras 51-53, 55-59, 62-64, 66-74, 77-78, 84(c); Decision Reviewing the Modified Detention Conditions, paras 64-67, 70-76, 78-79, 82-85, 91-97, 99-101, 103-105, 113(b)-(c).

communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.<sup>101</sup> In these circumstances, the Panel finds that there are no alternatives to Mr Selimi's continued detention capable of adequately averting the risks in Article 41(6)(b)(ii) and (iii).

### C. REASONABLENESS OF DETENTION

52. The SPO submits that, taking all factors into consideration, including the recent closure of the case, Mr Selimi's detention continues to be proportional and reasonable.<sup>102</sup> To that end, the SPO refers to the Panel's finding that: (i) Mr Selimi has been charged with ten counts of serious international crimes, and it is alleged that he played a significant role in their preparation; (ii) there may be a lengthy sentence, if convicted; (iii) the proceedings are complex; (iv) the risks under Article 41(6)(b)(ii)-(iii) cannot be adequately mitigated by measures short of detention; (v) there is a climate of witness intimidation; and (vi) the trial is ongoing.<sup>103</sup>

53. The Selimi Defence responds that Mr Selimi's continued detention is unreasonable and the corresponding limitation of Mr Selimi's fundamental rights disproportionate, in light of: (i) the substantially lowered risks under Article 41(6)(b), which the SPO fails to substantiate;<sup>104</sup> (ii) the length of time spent in detention, which also heightens the burden on the SPO to justify continued detention;<sup>105</sup> and (iii) the contact restrictions imposed upon Mr Selimi, which make the impact of his detention even more burdensome.<sup>106</sup> The Selimi Defence further

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<sup>101</sup> See for example, Third Detention Decision, para. 61; Third Appeals Decision on Selimi's Detention, para. 42; Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 38; Twenty-First Detention Decision, para. 61; Twenty-Fourth Detention Decision, para. 33.

<sup>102</sup> SPO Submissions, paras 28, 30.

<sup>103</sup> SPO Submissions, para. 29.

<sup>104</sup> Selimi Defence Response, paras 14, 18, 20.

<sup>105</sup> Selimi Defence Response, paras 15, 20.

<sup>106</sup> Selimi Defence Response, para. 17.

recalls the jurisprudence of international tribunals recognising that measures restricting the right to liberty must be exceptional and strictly proportionate,<sup>107</sup> as well as SC case law identifying the length of time spent in detention pending trial and the risks under Article 41(6)(b) as relevant factors in this determination.<sup>108</sup>

54. The SPO replies that the Selimi Defence Response mischaracterises the nature of the SPO's burden to justify continued detention, which is a simple corollary of the proportionality assessment.<sup>109</sup> The SPO adds that the reasonableness of an accused's continued detention must be assessed on a case-by-case basis.<sup>110</sup> Moreover, the SPO argues that the Selimi Defence Response mischaracterises the established practice of international tribunals, and overlooks important distinguishing factors in the present case.<sup>111</sup>

55. 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 at the time when such an assessment is being made.<sup>112</sup> In the Panel's estimation, the special features in this case include: (i) Mr Selimi is charged with ten counts of serious international crimes in which he is alleged to play a significant role;<sup>113</sup> (ii) if convicted, Mr Selimi could face a lengthy sentence; (iii) the risks under Article 41(6)(b)(ii) and (iii) cannot be mitigated by any proposed conditions and/or

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<sup>107</sup> Selimi Defence Response, para. 16, with further references.

<sup>108</sup> Selimi Defence Response, para. 19, referring to KSC-BC-2020-04/IA005/F00005/RED, Court of Appeals Panel, *Public Redacted Version of Decision on Pjetër Shala's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention*, 19 July 2022, para. 37; KSC-BC-2020-04/F00812/RED, Trial Panel I, *Public Redacted Version of Decision on the Sixteenth Review of Detention of Pjetër Shala*, 18 March 2024, para. 38.

<sup>109</sup> SPO Reply, para. 4.

<sup>110</sup> SPO Reply, para. 4.

<sup>111</sup> SPO Reply, paras 5-6, with further references.

<sup>112</sup> Seventh Detention Decision, para. 42, with further references.

<sup>113</sup> Confirmed Indictment, paras 7-9, 32, 39-40, 44-47, 49, 52, 55-57, 176-177.

any other conditions;<sup>114</sup> (iv) the case against Mr Selimi is complex;<sup>115</sup> and (v) the climate of witness intimidation outlined above.

56. The Panel is mindful that the length of time in detention is a relevant factor in the present assessment. However, the Panel is not satisfied that, in the current circumstances, it renders Mr Selimi continued detention unreasonable. In particular, the Panel considers the gravity of the crimes Mr Selimi is accused of, the potential lengthy sentence he might face, if convicted, and that, as found above,<sup>116</sup> there are continuing risks of obstructing the proceedings and of committing further crimes, neither of which can be sufficiently mitigated by the application of reasonable alternative measures. In this respect, the Panel also recalls its finding above that, while the risk of interfering with parallel proceedings is limited, the risk of obstruction in the present case remains and has not, contrary to the Selimi Defence's submissions,<sup>117</sup> substantially lowered.<sup>118</sup>

57. In addition, the Panel acknowledges that Mr Selimi's detention may have been made more burdensome in light of the modified detention conditions imposed by the Panel. However, the Panel first notes that stricter measures were rendered necessary by conduct attributable to the Accused.<sup>119</sup> Secondly, the Panel does not consider that the additional restrictions imposed render Mr Selimi's continued detention unreasonable, in light of the above-mentioned factors. Thirdly, the Panel recalls that the necessity and proportionality of such conditions have been assessed elsewhere, and amended with an aim of facilitating the Accused's contact with their families.<sup>120</sup> Lastly, the Panel recalls that a request for rescission of such conditions is presently

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<sup>114</sup> See above paras 50-51.

<sup>115</sup> Third Detention Decision, para. 79, with further references; Twenty-Fourth Detention Decision, para. 35.

<sup>116</sup> See above para. 47.

<sup>117</sup> Selimi Defence Response, paras 14, 18, 20.

<sup>118</sup> See above para. 40.

<sup>119</sup> See above para. 37.

<sup>120</sup> See Decision Reviewing the Modified Detention Conditions, paras 71-72, 91-92, 111.

before the Panel,<sup>121</sup> and that there are procedure in place through which Mr Selimi may challenge any limitations imposed by the Registrar in the exercise of her discretion.<sup>122</sup>

58. In light of the above, the Panel finds that Mr Selimi's detention for a further two months is necessary and reasonable in the specific circumstances of the case.

59. The Panel acknowledges that Mr Selimi has already been in detention for a significant period of time, and the trial in this case is lengthy. While the Panel is mindful of the serious consequences of prolonged detention on the psychological well-being of detainees, this does not affect its findings that there are continuing risks of obstructing the proceedings and of committing further crimes which cannot be sufficiently mitigated by the application of reasonable alternative measures.<sup>123</sup> The Panel will continue to monitor at every stage in these proceedings whether continued detention is necessary and reasonable.

## V. CLASSIFICATION

60. The Panel notes that the Selimi Defence Response and the SPO Reply were filed confidentially. The Panel also notes that the SPO does not object to the reclassification of the SPO Reply as public.<sup>124</sup> Accordingly, the Panel: (i) orders the Selimi Defence to file a public redacted version of the Selimi Defence Response, or request reclassification thereof, by **Monday, 23 March 2026**; and (ii) instructs the Registrar to reclassify the SPO Reply, currently classified as confidential, as public by **Monday, 23 March 2026**.

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<sup>121</sup> F03671, Specialist Counsel, *Selimi Defence Request for Rescission of Contact Restrictions*, 30 January 2026, confidential.

<sup>122</sup> See Decision Reviewing the Modified Detention Conditions, para. 110, referring to KSC-BD-11/Rev1, Registrar, *Registry Practice Direction on Detainees: Complaints*, 23 September 2020, Article 9(1); F02194, Panel, *Decision on Rexhep Selimi's Request for Judicial Review of Registrar's Decision on Reconsideration*, 22 March 2024, paras 22-23.

<sup>123</sup> Twenty-Fourth Detention Decision, para. 37.

<sup>124</sup> SPO Reply, para. 8.

## VI. DISPOSITION

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

- a) **ORDERS** Mr Selimi's continued detention;
- b) **DENIES** the Selimi Defence's request for provisional release;
- c) **ORDERS** the Selimi Defence to file a public redacted version of the Selimi Defence Response, or request reclassification thereof, by **Monday, 23 March 2026**;
- d) **INSTRUCTS** the Registrar to reclassify the SPO Reply, currently classified as confidential, as public by **Monday, 23 March 2026**; and
- e) **ORDERS** the SPO to file submissions on the next review of Mr Selimi's detention no later than **Thursday, 23 April 2026 (at 16:00 hours)** with any response and reply following the timeline set out in Rule 76.



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

Dated this Monday, 16 March 2026

At The Hague, the Netherlands.