



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:** 19 March 2026

**Language:** English

**Classification:** Public

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**Public Redacted Version of Decision on Selimi Defence Request for Rescission of  
Contact Restrictions**

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**TRIAL PANEL II** (“Panel”), pursuant to Articles 3(2), 21, 23(1) and 40(2) and (6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 56(6), 57(2), 80(1) and 116(4)(d) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 1 December 2023, following a request by the Specialist Prosecutor’s Office (“SPO”),<sup>1</sup> the Panel found that the current conditions of detention were insufficient to mitigate the risk of the Three Accused engaging in conduct that could interfere with the proceedings and/or present a risk to the safety and security of witnesses and therefore, modified the conditions of detention for Hashim Thaçi (“Mr Thaçi”), Kadri Veseli (“Mr Veseli”) and Rexhep Selimi (“Mr Selimi”) (collectively “Three Accused”) (“Decision Modifying the Detention Conditions”).<sup>2</sup>

2. On 9 February 2024, the Panel issued a decision providing guidance pursuant to the Decision Modifying the Detention Conditions (“Decision on Registrar’s Request for Guidance Pursuant to the Decision Modifying Detention Conditions”).<sup>3</sup>

3. On 22 March 2024, following a request by the Defence for Mr Selimi (“Selimi Defence”),<sup>4</sup> the Panel issued a decision rejecting a request for judicial review of a

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<sup>1</sup> F01933, Specialist Prosecutor, *Prosecution Urgent Request for Modification of Detention Conditions*, 17 November 2023, confidential, with Annexes 1-5, confidential (a public redacted version was filed on 22 November 2023, F01933/RED).

<sup>2</sup> F01977, Panel, *Further Decision on the Prosecution’s Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi*, 1 December 2023, paras 51-53, 55-60, 62-78, 84(c).

<sup>3</sup> 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 (a public redacted version was issued on the same day, F02115/RED).

<sup>4</sup> F02160/A01, Registrar, *Annex 1 of Transmission of Rexhep Selimi’s Request for Judicial Review of Registrar’s Decision on Request for Reconsideration*, 1 March 2024. The Registrar transmitted Mr Selimi’s Request for

decision by the Registrar implementing the Decision Modifying the Detention Conditions.<sup>5</sup>

4. On 4 July 2025, following a request by the Selimi Defence,<sup>6</sup> the Panel found that: (i) some of the conditions implemented in the Decision Modifying the Detention Conditions were no longer necessary and proportionate and modified the conditions of detention for the Three Accused accordingly; and (ii) ordered the continued application of the remaining conditions (“Modified Detention Conditions”) (“Decision Reviewing the Modified Detention Conditions”).<sup>7</sup>

5. On 3 September 2025, the Panel issued a decision denying a second request by the SPO to modify the detention conditions (“Decision on Second Prosecution Request to Modify Detention Conditions”).<sup>8</sup>

6. On 30 January 2026, the Selimi Defence requested rescission of the Modified Detention Conditions (“Request”).<sup>9</sup>

7. On 11 February 2026, the SPO responded to the Request (“Response”).<sup>10</sup>

8. On 18 February 2026, the Selimi Defence replied to the Response (“Reply”).<sup>11</sup>

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Judicial Review to the Panel on 1 March 2024 (*see* F02160, Registrar, *Transmission of Rexhep Selimi’s Request for Judicial Review of Registrar’s Decision on Request for Reconsideration*, 1 March 2024, with Annexes 1-5, confidential and *ex parte*).

<sup>5</sup> F02194, Panel, *Decision on Rexhep Selimi’s Request for Judicial Review of Registrar’s Decision on Reconsideration* (“Decision on Mr Selimi’s Request for Judicial Review”), 22 March 2024.

<sup>6</sup> F02785, Specialist Counsel, *Selimi Defence Request to the Trial Panel to Amend Decision F01977*, 13 December 2024, with Annexes 1-2, confidential.

<sup>7</sup> F03308, Panel, *Decision Reviewing the Conditions of Detention Modified in F01977*, 4 July 2025, confidential.

<sup>8</sup> F03442, Panel, *Decision on Second Prosecution Request to Modify Detention Conditions*, 3 September 2025, confidential and *ex parte* (a public redacted version was issued on 13 October 2025, F03442/RED).

<sup>9</sup> F03671, Specialist Counsel, *Selimi Defence Request for Rescission of Contract Restrictions*, 30 January 2026, confidential.

<sup>10</sup> F03675, Specialist Prosecutor, *Prosecution Response to ‘Selimi Defence Request for Rescission of Contract Restrictions’ (F03671)*, 11 February 2026, confidential.

<sup>11</sup> F03681, Specialist Counsel, *Selimi Defence Reply to F03675*, 18 February 2026, confidential.

9. On 18 February 2026, the Presiding Judge declared the case to be closed pursuant to Rule 136(1).<sup>12</sup>

10. On 2 March 2026, on the instructions of the Panel,<sup>13</sup> the Registrar filed submissions in respect of the Request (“Registrar Submissions”).<sup>14</sup>

## II. SUBMISSIONS

### A. SELIMI REQUEST

11. The Selimi Defence requests that the Panel rescind all the contact restrictions imposed in respect of Mr Selimi.<sup>15</sup> The Selimi Defence submits that, in light of the current stage of proceedings, the contact restrictions imposed upon Mr Selimi for over two years are no longer necessary or proportionate to the risks identified in the Decision Modifying the Detention Conditions and the Decision Reviewing the Modified Detention Conditions.<sup>16</sup>

12. The Selimi Defence submits the contact restrictions are no longer necessary because: (i) the continued dissemination of protected witness information that the contact restrictions were intended to avoid, has not materialised;<sup>17</sup> (ii) with the closing of the evidentiary proceedings, the risk that the Accused will interfere with any witnesses has drastically diminished;<sup>18</sup> (iii) the periodic Registry reports, confirm that Mr Selimi has not engaged in any form of conduct that could be detrimental to the integrity of the proceedings since the issuance of the Decision Modifying the Detention Conditions;<sup>19</sup> and (iv) the uncharged conduct attributed

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<sup>12</sup> Transcript of Hearing, 18 February 2026, p. 29238.

<sup>13</sup> CRSPD970, Panel, *Email from Trial Panel II to Parties, Participants and Registrar Inviting Submissions from the Registrar*, 24 February 2026, confidential.

<sup>14</sup> F03690, Registrar, *Registry Submissions Related to F03671*, 2 March 2026, confidential.

<sup>15</sup> Request, paras 1, 16.

<sup>16</sup> Request, paras 1, 3-14.

<sup>17</sup> Request, para. 3.

<sup>18</sup> Request, paras 3-4, 7 (with further references).

<sup>19</sup> Request, para. 5.

to Mr Selimi, namely an instance of inadvertent disclosure of confidential information, cannot be seen in any way as indicative of a risk that Mr Selimi will engage in any of the enumerated acts.<sup>20</sup>

13. The Selimi Defence also submits that the proportionality of the contact restrictions must account for the impact on the detainees' family lives<sup>21</sup> and are no longer proportionate because: (i) the contact restrictions have interfered with his ability to further develop his bond with his wife and children;<sup>22</sup> (ii) the proceedings are approaching the deliberations stage, which necessarily entails that Mr Selimi will not be attending court hearings for a significant amount of time, regular communication and contact with the outside world takes on an even greater importance;<sup>23</sup> and (iii) the rescission of the restrictions in the Decision Modifying the Detention Conditions is the only avenue to remove the resource strain on the Registry that results from the need to maintain the Modified Detention Conditions.<sup>24</sup>

#### B. SPO RESPONSE

14. The SPO responds that the Request should be rejected since, at this sensitive stage of the trial, the contact restrictions remain critical to preserving the integrity of the proceedings, and should, therefore, remain in place until the judgment is pronounced.<sup>25</sup> The SPO argues that none of the arguments advanced in the Request merit rescission of the conditions,<sup>26</sup> and that: (i) the restrictions protect against unauthorised disclosure and the risk of interference with witnesses by third parties, the evidentiary phase being closed does not mean this risk no longer

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<sup>20</sup> Request, para. 8.

<sup>21</sup> Request, paras 10-11 (with further references).

<sup>22</sup> Request, para. 12.

<sup>23</sup> Request, para. 13.

<sup>24</sup> Request, para. 14.

<sup>25</sup> Response, paras 1, 24, 26, 28.

<sup>26</sup> Response, para. 10.

exists;<sup>27</sup> (ii) the fact that Mr Selimi has not been charged with obstructive conduct himself does not mean that he does not pose a risk to the progress of the proceedings, including to ongoing parallel cases;<sup>28</sup> (iii) the fact that Mr Selimi has not breached the restrictions in place should be given no weight;<sup>29</sup> and (iv) the Selimi Defence asserts that Mr Selimi's right to family life is being interfered with and that his relationship with the outside world has worsened, without explaining how the current conditions are disproportionate in their current form, or without suggesting how they might be amended to address any specific issue he raises.<sup>30</sup>

### C. SELIMI REPLY

15. The Selimi Defence replies that: (i) the Response fails to disprove the significance of the change of circumstances since the Panel last reviewed these restrictions;<sup>31</sup> and (ii) the SPO provides no submissions on why there exists "an objectively justifiable risk of repeat misconduct going unchecked, thus defeating the original purpose" that would justify revisiting the issue only after the issuance of the trial judgment.<sup>32</sup>

### D. REGISTRAR SUBMISSIONS

16. The Registrar notes that, should the Panel find that the remaining Modified Detention Conditions continue to be necessary and proportionate, the Registry has the capacity to continue to implement the Modified Detention Conditions.<sup>33</sup> The Registrar outlines envisaged changes to the implementation of the Modified

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<sup>27</sup> Response, paras 11-13.

<sup>28</sup> Response, para. 14.

<sup>29</sup> Response, para. 15.

<sup>30</sup> Response, paras 3, 22.

<sup>31</sup> Reply, para. 1.

<sup>32</sup> Reply, para. 12.

<sup>33</sup> Registrar Submissions, para. 12.

Detention Conditions, namely, giving an opportunity to the Three Accused to request: (i) two additional video visits with close relatives per month; and (ii) one additional private visit with spouses and children per month.<sup>34</sup> Further, the Registrar, noting that the Modified Detention Conditions limits actively monitored in-person visits to five per month, states that the Modified Detention Conditions could be amended to support one additional actively monitored in-person visit per month for the Three Accused, bringing the total number to six, from at the earliest 1 April 2026.<sup>35</sup> Finally, the Registrar recalls that the implementation of the Modified Detention Conditions has been designed to ensure, among other things, that every detainee is provided with reasonable means of maintaining personal relationships, including daily contact with family and friends.<sup>36</sup>

### III. APPLICABLE LAW

17. Pursuant to Article 3(2) of the Law, the Specialist Chambers (“SC”) shall adjudicate and function in accordance with the Constitution of the Republic of Kosovo and international human rights law. Article 8 of the European Convention on Human Rights (“ECHR”) protects the right to respect for private and family life.

18. Pursuant to Article 23(1) of the Law and Rule 80(1) of the Rules, the SC shall provide for the protection of victims and witnesses, including their safety, physical and psychological well-being, dignity and privacy.

19. Pursuant to Article 40(2) and (6) of the Law and Rule 116 of the Rules, the Panel shall, on an ongoing basis, take all necessary measures to facilitate the fair and expeditious conduct of the trial proceedings and to protect the Accused,

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<sup>34</sup> Registrar Submissions, paras 7-11.

<sup>35</sup> Registrar Submissions, paras 14-15.

<sup>36</sup> Registrar Submissions, para. 17.

witnesses and victims.

20. Pursuant to Rules 56, 57(2) and 116(4)(d) of the Rules, the Panel may rule on conditions of detention and related matters for the purpose of protecting witnesses or victims, confidential information or the integrity of the proceedings, including on the imposition of necessary and proportionate restrictions on the communications of a detained person. Pursuant to Article 1(3) of the Practice Direction on Visits and Communications, the rules therein do not affect, and are subject to, any order or decision of the Panel under Rule 56 of the Rules.<sup>37</sup>

21. The Parties and participants are under a general obligation not to disclose to third parties any confidential documents or information linked to the proceedings.<sup>38</sup> In particular, a Party or participant shall not disclose the identity of a protected witness to any third party. It may only do so in the exceptional circumstance where such disclosure is directly and specifically necessary for the preparation and presentation of its case,<sup>39</sup> and even in such case shall not reveal to third parties that any protected witness is involved with the activities of the SC/SPO or the nature of such involvement.<sup>40</sup>

#### IV. DISCUSSION

22. At the outset, the Panel notes that the Defence for Mr Thaçi and the Defence for Mr Veseli did not request a review of the Modified Detention Conditions or make any submissions. Nonetheless, as foreseen in the Decision Modifying the

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<sup>37</sup> KSC-BD-09-Rev1, Registrar, *Registry Practice Direction on Detainees (Visits and Communications)* ("Practice Direction on Visits and Communications"), 23 September 2020.

<sup>38</sup> See generally F00854, Pre-Trial Judge, *Decision on Framework for Handling Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or of a Participant* ("Framework Decision on Handling Confidential Information"), 24 June 2022, para. 212(I)(a).

<sup>39</sup> Framework Decision on Handling Confidential Information, para. 212(I)(e).

<sup>40</sup> Framework Decision on Handling Confidential Information, para. 212(I)(f).

Detention Conditions,<sup>41</sup> the Panel will undertake a *proprio motu* review of the necessity and proportionality of the Modified Detention Conditions in respect of Mr Thaçi and Mr Veseli.

#### A. LEGAL STANDARD

23. The Selimi Defence submits that the Panel's reliance on earlier provisional release findings made against a lower risk standard of "less than certainty, but more than a mere possibility of a risk materialising" to justify continued restrictions for alleged witness interference was misplaced and cannot be transposed to the present context, which requires a higher showing of "substantial risk".<sup>42</sup>

24. The SPO responds that the Selimi Defence misunderstands the basis for which restrictions were originally implemented.<sup>43</sup> Specifically, the SPO contends that the Panel was not articulating any legal standard when it made this finding, rather, this conclusion was part of the Panel's analysis of the Accused's conduct that gave rise to the decision itself, the Panel is not constrained by any risk-based threshold in Rule 56(6).<sup>44</sup>

25. The Selimi Defence replies that: (i) the SPO's interpretation would essentially render the imposition of modified detention conditions the default position, as any hypothetical risk, would justify contact restrictions pursuant to Rule 56(6);<sup>45</sup> (ii) imposition of contact restrictions requires a higher threshold of risk than an order for continued detention is further supported by the fact that the requirements of Article 41(6)(b) being met is a *de facto* precondition to the

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<sup>41</sup> Decision Modifying the Detention Conditions, para. 77.

<sup>42</sup> Request, para. 6.

<sup>43</sup> Response, para. 17.

<sup>44</sup> Response, para. 18.

<sup>45</sup> Reply, para. 7.

applicability of Rule 56(6);<sup>46</sup> and (iii) the fact that Rule 56(6) does not contain an express reference to a risk threshold does not entail that any level of risk will suffice, and the Panel's reference to the "substantial risk" that the Accused will impermissibly disclose privileged information cannot be interpreted in any way other than a formulation of the applicable legal standard.<sup>47</sup>

26. The Panel recalls the applicable legal standard previously set out, namely that measures of control of a detainee's contacts with the outside world may be justified if it is "in accordance with the law", it pursues one or more of the legitimate aims listed in Article 8(2) of the ECHR and is necessary and proportionate under the circumstances.<sup>48</sup> These requirements were further developed in the same decision.<sup>49</sup>

27. The Panel notes that the reference to "substantial risk" appears in the analytical context of the decision and explains the Panel's concern that there was a "substantial risk" that, without adequate measures being put in place, the Three Accused would impermissibly disclose privileged information to unauthorised third parties.<sup>50</sup> The Panel did not seek to establish the risk threshold, noting that the legal test had been set out earlier in the same decision.<sup>51</sup> Notably, none of the jurisprudence referenced by the Selimi Defence supports the interpretation that

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<sup>46</sup> Reply, para. 8.

<sup>47</sup> Reply, para. 9.

<sup>48</sup> Decision Modifying the Detention Conditions, para. 45. *See also e.g.*, KSC-BC-2023-12, F00382/COR/RED, Pre-Trial Judge, [Public Redacted Version of Corrected Version of Decision on Specialist Prosecutor's Request for Modification of Hashim Thaçi's Detention Conditions](#) ("Case 12 Decision Modifying Detention Conditions"), 18 July 2025, para. 19; ICC, *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, ICC-01/12-01/18-2498-Red, Trial Chamber X, [Public Redacted Version of Decision Reviewing the Measures Restricting Mr Al Hassan's Contacts whilst in Detention Following the Closure of the Submission of Evidence](#), 24 May 2023, para. 21; *Prosecutor v. Bosco Ntaganda*, ICC-01/04-02/06-2236-Red, Trial Chamber VI, [Public Redacted Version of 'Decision on the Present Restrictions on Mr Ntaganda's Contacts'](#), 19 February 2018, paras 15-16.

<sup>49</sup> Decision Modifying the Detention Conditions, paras 46-48. *See also* Case 12 Decision Modifying Detention Conditions, paras 20-22.

<sup>50</sup> Decision Modifying the Detention Conditions, para. 37.

<sup>51</sup> Decision Modifying the Detention Conditions, paras 45-48.

the legal standard to put in place measures of control of a detainee's contacts requires a "substantial risk".<sup>52</sup>

28. In any event, the fact that the Panel referenced the findings in the provisional release decision does not entail that the Panel was applying the standard therein. Rather, this was one set of considerations, among many, that the Panel took into account when concluding that it was necessary and proportionate to maintain some of the Modified Detention Conditions.

29. In light of the above, the Panel rejects the Selimi Defence's argument.

#### B. CONTEXT OF THIS DECISION

30. The Panel notes that it has previously determined that a general climate of witness interference persists in Kosovo regarding this case and others before the SC,<sup>53</sup> which the Court of Appeals confirmed as a contextual factor that may be relevant when assessing the need for detention.<sup>54</sup> In addition, the Witness Protection and Support Office recently submitted an updated risk assessment, which outlines that, at a minimum, the climate of witness intimidation in Kosovo in respect of proceedings before the SC and this case in particular still persists.<sup>55</sup>

31. The Panel has previously determined that the Three Accused have: (i) the interest and ability to interfere with the proceedings; (ii) positions of influence in Kosovo which could allow them to elicit the support of sympathisers; and

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<sup>52</sup> Request, fns 12-14, 18, 23, 28-32 (with further references).

<sup>53</sup> See e.g., F03699, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi* ("Decision on Periodic Review of Detention of Rexhep Selimi"), 16 March 2026, confidential, paras 32-33; KSC-BC-2020-05, F00494/RED, Trial Panel I, [Public Redacted Version of Trial Judgment](#), 8 June 2023, para. 57 (a corrected version was filed on 8 June 2023, F00494/RED3/COR).

<sup>54</sup> IA017/F00011, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention*, 5 April 2022, confidential, para. 43 (a public redacted version was issued on the same date, IA017/F00011/RED).

<sup>55</sup> F03697, Registrar, *Registrar's and WPSO's Submissions*, 17 May 2026, confidential, with Annex 1, strictly confidential.

(iii) through the advancement of the proceedings, increased knowledge of the evidence underpinning the serious charges against them.<sup>56</sup>

32. The Panel also notes that the Three Accused have received confidential information concerning all SPO witnesses.<sup>57</sup> The Panel has previously found that these disclosures amplify the risk of sensitive information pertaining to witnesses becoming known to members of the public.<sup>58</sup> The Panel notes that, despite all efforts undertaken to protect witnesses, witnesses in this case have complained of attempted or actual interference, and the names of protected witnesses have been disclosed to the public.<sup>59</sup> The Panel is of the view that, while the risk is lower following the closing of the evidentiary proceedings and the closing of the case, the risk still remains.<sup>60</sup> The Panel will take all necessary measures compatible with the rights of the Accused to ensure that such cases do not re-occur and that all necessary steps compatible with the rights of the Accused are taken to reduce such a risk.<sup>61</sup>

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<sup>56</sup> Decision on Periodic Review of Detention of Rexhep Selimi, para. 34; F03700, Panel, *Decision on Periodic Review of Detention of Kadri Veseli* (“Decision on Periodic Review of Detention of Kadri Veseli”), 16 March 2026, confidential, para. 24 (a public redacted version was issued on the same day, F03700/RED); F03672, Panel, *Decision on Periodic Review of Detention of Hashim Thaçi* (“Decision on Periodic Review of Detention of Hashim Thaçi”), 10 February 2026, para. 21.

<sup>57</sup> F01594/A02, Specialist Prosecutor, *Annex 2 to Prosecution Submission of Updated Witness List and Confidential Lesser Redacted Version of Pre-Trial Brief*, 9 June 2023, confidential; F02960, Panel, *Decision on the SPO Request for Variation of Protective Measures*, 24 February 2025, strictly confidential and *ex parte*, para. 13(b) (a confidential redacted version was issued on 5 March 2025, F02960/CONF/RED); F02998, Panel, *Decision on the SPO Request to Vary Protective Measures of W04363*, 11 March 2025, strictly confidential and *ex parte*, para. 20(b) (a confidential redacted version was issued on the same day, F02998/CONF/RED).

<sup>58</sup> Decision on Periodic Review of Detention of Rexhep Selimi, para. 34; Decision on Periodic Review of Detention of Kadri Veseli, para. 24; Decision on Periodic Review of Detention of Hashim Thaçi, para. 21.

<sup>59</sup> See e.g., F03215, Panel, *Decision on Veseli Defence Motion to Exclude Evidence of W04747 and SPO Motion for Admission of W04747’s Evidence Pursuant to Rule 155*, 29 May 2025, confidential, paras 28-42; KSC-BC-2020-07/F00611/RED, Trial Panel II, [Public Redacted Version of the Trial Judgment](#) (“Case 07 Trial Judgment”), 18 May 2022, paras 489, 526, 603, 1012, 1015.

<sup>60</sup> See e.g., Decision on Periodic Review of Detention of Rexhep Selimi, para. 35.

<sup>61</sup> See also Decision Modifying the Detention Conditions, para. 31; Decision Reviewing the Modified Detention Conditions, para. 40.

## C. ALLEGED VIOLATIONS AND RISKS PRESENTED

### 1. Mr Veseli's and Mr Selimi's Alleged Conduct

33. The Panel recalls that, in the Decision Reviewing the Modified Detention Conditions, it found that it appeared that “the Accused disclosed to their visitor(s) confidential information received in the context of the proceedings or elicited during testimony of protected witnesses.”<sup>62</sup> Further, in the Decision on the Registrar's Request for Guidance Pursuant to the Decision Modifying Detention Conditions, the Panel found that Mr Selimi had mentioned confidential information about protected witnesses to unauthorised third parties and, in doing so, disclosed confidential information.<sup>63</sup> Mr Veseli and Mr Selimi have not been charged with any offences in respect of these matters.

### 2. Mr Thaçi's Alleged Conduct

34. The Panel recalls that, in the Decision Reviewing the Modified Detention Conditions, it found that it appeared as: (i) “Mr Thaçi is providing his visitor[s] with instructions to pass on to the witness regarding the form and content of the witness's upcoming testimony”;<sup>64</sup> (ii) “Mr Thaçi is showing his visitors a statement previously made by an upcoming witness whose identity is confidential”;<sup>65</sup> and (iii) “one of Mr Thaçi's visitors who is receiving instructions has previously visited with witnesses prior to their testimony.”<sup>66</sup>

35. Further, in the Decision on Registrar's Request for Guidance Pursuant to the Decision Modifying Detention Conditions, the Panel found that Mr Thaçi had

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<sup>62</sup> Decision Reviewing the Modified Detention Conditions, para. 43.

<sup>63</sup> Decision on the Registrar's Request for Guidance Pursuant to the Decision Modifying Detention Conditions, para. 26.

<sup>64</sup> Decision Modifying the Detention Conditions, para. 38.

<sup>65</sup> Decision Modifying the Detention Conditions, para. 38.

<sup>66</sup> Decision Modifying the Detention Conditions, para. 38.

mentioned confidential information about protected witnesses to members of his family and in doing so disclosed confidential information.<sup>67</sup>

36. In addition, in the Decision on the Second Prosecution Request to Modify Detention Conditions, the Panel found that, it appeared as Mr Thaçi provided certain visitors with instructions to pass on to witnesses regarding the form and content of their testimony during further non-privileged in-person visits.<sup>68</sup>

37. Since the issuance of the Decision Modifying the Detention Conditions, Mr Thaçi has been charged with criminal offences against the administration of justice and public administration and criminal offences against public order for allegedly having disclosed secret information disclosed to him in this trial and, together with others, coordinated to unlawfully influence the testimony of and/or contact SPO witnesses in the present case.<sup>69</sup> In addition, the SPO has presented its evidence in that case and closed its case.<sup>70</sup>

### 3. Compliance with the Modified Detention Conditions

38. The Panel recalls that, in the Decision Modifying the Detention Conditions, it ordered the Registry to submit a report to the Panel every two months reporting on, *inter alia*, any incidents of non-compliance with the Modified Detention Conditions.<sup>71</sup> The Registrar reported [REDACTED].<sup>72</sup> As a result of some of

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<sup>67</sup> Decision on Registrar's Request for Guidance Pursuant to the Decision Modifying Detention Conditions, para. 26

<sup>68</sup> Decision on Second Prosecution Request to Modify Detention Conditions, paras 24-26.

<sup>69</sup> KSC-BC-2023-12, F00264/A02, Specialist Prosecutor, [Annex 2 to Submission of Amended Confirmed Indictment](#), 16 April 2025.

<sup>70</sup> KSC-BC-2023-12, F00792, Specialist Prosecutor, *Prosecution Notice pursuant to Rule 129*, 13 March 2026, para. 1.

<sup>71</sup> Decision Modifying the Detention Conditions, para. 78.

<sup>72</sup> [REDACTED].

[REDACTED] (i) [REDACTED]<sup>73</sup> and (ii) [REDACTED].<sup>74</sup> No other incidents of non-compliance with the Modified Detention Conditions have been reported.<sup>75</sup>

#### **4. Individual and Collective Nature of Underlying Conduct**

39. In assessing the necessity and proportionality of the continued application of the Modified Detention Conditions, the Panel has considered the individual circumstances and actions of each of the Accused concerned. At the same time, the Panel has accounted for the fact that the combined effect of their actions has increased the risks associated with the impermissible disclosure of protected information and thus created a multiplicity of paths that could result in third parties interfering with these proceedings.<sup>76</sup>

#### **5. Closing of Evidentiary Proceedings**

40. The Panel notes that it has closed the evidentiary proceedings in this case and the Presiding Judge declared the case to be closed pursuant to Rule 136.<sup>77</sup> In this respect, the Panel agrees with the Selimi Defence that the closing of the evidentiary proceedings, necessarily, is a factor that the Panel has to take into account when assessing the concrete risk of the Three Accused engaging in conduct that could interfere with the proceedings and/or present a risk to the safety and security of witnesses and/or victims at this stage of proceedings.<sup>78</sup>

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<sup>73</sup> [REDACTED].

<sup>74</sup> [REDACTED].

<sup>75</sup> [REDACTED].

<sup>76</sup> Decision Modifying the Detention Conditions, para. 40; Decision Reviewing the Modified Detention Conditions, para. 54.

<sup>77</sup> F03639, Panel, *Notice Regarding the Close of Evidentiary Proceedings*, 18 December 2025; Transcript of Hearing, 18 February 2026, p. 29238.

<sup>78</sup> Request, paras 3-4, 7 (with further references); Reply, paras 1-4.

## 6. Conclusion

41. Having considered all the factors set out above, the Panel maintains its prior findings that regular conditions of detention are insufficient to mitigate the risk of the Three Accused engaging in conduct that could interfere with the proceedings and/or present a risk to the safety and security of witnesses and/or victims.<sup>79</sup>

42. Insofar, as the Selimi Defence relies on the cases before other international tribunals where respective chambers fully rescinded or significantly amended the scope of contact restrictions during a similar stage of the proceedings,<sup>80</sup> the Panel considers that these cases, while illustrative, provide limited guidance on the necessity and proportionality of the Modified Detention Conditions in the present case since such measures need to be determined on a case-by-case in light of all the relevant circumstances.<sup>81</sup>

43. The Panel acknowledges, as noted by the Selimi Defence,<sup>82</sup> that the Modified Detention Conditions have been in place for more than two years but considers that the passage of time does not mean *per se* that the risk no longer exists and/or that restrictions have become disproportionate, rather it is one factor that may influence the Panel's assessment the necessity and proportionality of the Modified Detention Conditions.<sup>83</sup> Such an assessment must be done in respect of the time when the decision is being taken and be informed by relevant events that have occurred in the past.

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<sup>79</sup> Decision Modifying the Detention Conditions, para. 41; Decision Reviewing the Modified Detention Conditions, para. 55.

<sup>80</sup> Request, paras 4-5.

<sup>81</sup> See e.g., ICC, *Prosecutor v. Dominic Ongwen*, ICC-02/04-01/15-1733-Corr, Trial Chamber IX, [Public Corrected Version of Decision on the Defence Request for Immediate Release and the Communication Restrictions Applying to the Accused](#), 17 April 2020, para. 33.

<sup>82</sup> Request, para. 1.

<sup>83</sup> See e.g., ICC, *Prosecutor v. Alfred Yekatom and Patrice-Édouard Ngaissona*, ICC-01/14-01/18-2811, Appeals Chamber, [Public Decision on Restrictions to Mr Yekatom's Contacts and Communications in Detention](#), 16 September 2025, para. 29.

44. In addition, the Panel accepts, as argued by the Selimi Defence, that Mr Selimi has, with minor exceptions,<sup>84</sup> complied with the Modified Detention Conditions.<sup>85</sup> This equally applies to Mr Veseli.<sup>86</sup> However, the fact that Mr Selimi and Mr Veseli have complied with the Modified Detention Conditions is given some but limited weight, noting that respecting conditions of detention should be the norm<sup>87</sup> and that the Modified Detention Conditions were implemented for the very purpose of ensuring that no further impermissible disclosure of confidential information occurs.<sup>88</sup> The same does not apply to Mr Thaçi who has repeatedly not complied with the modified detention conditions.<sup>89</sup>

45. The Panel is of the view that the Modified Detention Conditions are tailored to mitigate the identified risks to the proceedings and the security of witnesses. They do not interfere impermissibly with the right of the Three Accused to respect for their family life. In fact, noting the Selimi Defence's submissions about the impact on his family,<sup>90</sup> the Panel has taken substantial steps to safeguard the Three Accused's right to respect for family life to the greatest possible extent. In this vein, the Panel notes that the Modified Detention Conditions set out in the present decision, in some respects, align with, or provide for *additional* visitation rights comparatively to, the detention regulations.<sup>91</sup>

46. In light of the above, the Panel will not rescind the Modified Detention Conditions, as requested by the Selimi Defence.<sup>92</sup> The Panel is satisfied that the

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<sup>84</sup> [REDACTED].

<sup>85</sup> See [REDACTED].

<sup>86</sup> See [REDACTED].

<sup>87</sup> See e.g., 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, para. 27 (a public redacted version was issued on 14 August 2025, IA035/F00005/RED); ICC, *Prosecutor v. Alfred Yekatom and Patrice-Édouard Ngaïssona*, ICC-01/14-01/18-582, Trial Chamber V, [Second Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention](#), 8 July 2020, para. 13.

<sup>88</sup> Decision Modifying the Detention Conditions, para. 30.

<sup>89</sup> See above, fn. 72.

<sup>90</sup> Request, paras 10, 12.

<sup>91</sup> See below, para. 84; Practice Direction on Visits and Communications, Article 24(1).

<sup>92</sup> Request, paras 1, 16.

measures set out below remain necessary and proportionate in the circumstances to protect the integrity of proceedings and guarantee the safety and security of witnesses and/or victims. The Panel therefore finds that the restrictions, as specified below, should be maintained.

#### D. CONDITIONS OF DETENTION

47. The Panel recalls that, in the Decision Modifying the Detention Conditions, it modified the conditions of detention for the Three Accused, and authorised certain further measures be implemented in the Detention Facilities.<sup>93</sup> All other measures requested by the SPO were rejected.<sup>94</sup>

48. The Panel also recalls that, in the Decision Reviewing the Modified Detention Conditions, it found that certain measures were no longer necessary and proportionate and amended the Modified Detention Conditions accordingly.<sup>95</sup> The Panel found that the remaining measures remained necessary and proportionate and ordered their continued application.<sup>96</sup>

#### 1. Non-Privileged In-Person Visits

49. The Panel recalls that it ordered that: (i) non-privileged in-person visits for the Three Accused should be subject to prior approval by the Registrar;<sup>97</sup> (ii) a system be put in place which focuses on identifying and excluding only those individuals who could pose a threat to the integrity of the proceedings or engage in conduct incompatible with regulation of the Detention Management Unit (“DMU”);<sup>98</sup> and (iii) the Registrar should refuse in-person visits if she determines

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<sup>93</sup> Decision Modifying the Detention Conditions, paras 50-53, 55-59, 62-64, 66-74, 77-78.

<sup>94</sup> Decision Modifying the Detention Conditions, paras 43-44, 49, 60-61, 65, 79-81.

<sup>95</sup> Decision Reviewing the Modified Detention Conditions, paras 71-72, 91-92, 113(b).

<sup>96</sup> Decision Reviewing the Modified Detention Conditions, paras 62, 64-68, 74-80, 82-88, 95-101.

<sup>97</sup> Decision Modifying the Detention Conditions, para. 51; Decision Reviewing the Modified Detention Conditions, paras 62, 64-67.

<sup>98</sup> Decision Modifying the Detention Conditions, para. 52; Decision Reviewing the Modified Detention Conditions, paras 62, 64-67.

that there are credible indications that the individual concerned has engaged or could engage in conduct incompatible with the integrity of proceedings and/or the regulations of detention.<sup>99</sup>

50. The Panel considers that the above-mentioned measures remain necessary and proportionate. As regards necessity, the Panel considers that the measures, including the prior approval of the Registrar, are necessary to ensure that: (i) non-privileged in-person visits are not used to undermine the integrity of the proceedings, or to engage in conduct incompatible with regulation of the DMU; and (ii) all relevant considerations can be factored into a decision on whether a visit should be authorised, or not.<sup>100</sup>

51. As regards proportionality, the Panel considers that the measures remain proportionate since the conditions are constructed to only exclude those individuals who could pose a threat to the integrity of the proceedings or engage in conduct incompatible with regulation of the DMU, while ensuring the rights of the Three Accused to have non-privileged in-person visits.

52. In light of the above, the Panel finds that these measures remain necessary and proportionate and shall continue to apply to the Three Accused.

## 2. Conditions of Visitation

53. The Panel recalls that it ordered the Registrar to ensure that the Three Accused adhere to certain conditions of visitation,<sup>101</sup> some which were already required by the practice regulations,<sup>102</sup> and some additional conditions, namely

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<sup>99</sup> Decision Modifying the Detention Conditions, para. 52; Decision Reviewing the Modified Detention Conditions, paras 62, 64-67.

<sup>100</sup> Decision Modifying the Detention Conditions, para. 51.

<sup>101</sup> The Panel recalls that "visits" include "video visits"; See KSC-BD-34-Rev1, Registry, *Registry Instruction on Video on Visits* ("Registry Instruction on Video Visits"), 6 September 2021, Section 2; Decision Reviewing the Modified Detention Conditions, para. 70.

<sup>102</sup> Decision Modifying the Detention Conditions, paras 54-55. Specifically, the conditions that: (i) the visitation area shall be devoid of music or other loud noises that may impair hearing communications;

that: (i) the Three Accused should not meet with more than one visitor at any one time (with the exception of visits by spouses and children who could conduct visits jointly but without any other visitor present); (ii) the only detainee that a visitor comes into contact with is the detainee that the visitor has been authorised to visit; (iii) detainees shall not have a non-privileged in-person visitor at the same time as another detainee or within such temporal proximity that visitors may have an opportunity to interact with each other or with other detainees; and (iv) the Registrar shall immediately report any termination of a visit to the Panel.<sup>103</sup>

54. The Panel recalls that, in the Decision Reviewing the Modified Detention Conditions, it considered that certain measures were no longer necessary and proportionate and ordered: (i) to remove the one-visitor restriction on video visits with close relatives only (as defined in the regulation) (“Close Relatives”) and that these visits revert back to the pre-existing detention regulations for video visits;<sup>104</sup> and (ii) relaxed the temporal proximity requirements for visits.<sup>105</sup>

55. The Panel considers that the above-mentioned measures remain necessary and proportionate. As regards necessity, the Panel considers that: (i) it remains necessary that the Accused should not meet with more than one visitor at any one time (with the exception of video visits with Close Relatives which are conducted in accordance with the detention regulation and visits by spouses and children who could conduct visits jointly but without any other visitor present) since this

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(ii) detainees shall not join visits of other detainees; (iii) detainees shall not enter the visitation area with documents or materials of a privileged or confidential nature pertaining to a case before the SC; (iv) all detainees and visitors shall communicate audibly, and are not permitted to conceal any part of a conversation through whispering or using coded language; and (v) if any of these provisions or other visitation rules are violated, the Registrar and those acting on her behalf are authorised to terminate the visit immediately. *See* Practice Direction on Visits and Communications, Articles 4(2), 7, 8(1)(a), 12, and 15(1); Framework Decision on Handling Confidential Information, para. 212(I)(a), (e) and (f); Rule 82(6) of the Rules; Article 15 of the Law.

<sup>103</sup> Decision Modifying the Detention Conditions, para. 55.

<sup>104</sup> Decision Reviewing the Modified Detention Conditions, para. 71.

<sup>105</sup> Decision Reviewing the Modified Detention Conditions, para. 72.

is required to enable active monitoring of non-privileged in-person visits (further discussed below).

56. As regards proportionality, the Panel considers that these measures remain proportionate as they secure the Three Accused's rights to visitation, including the right to respect for family life, while, at the same time, preventing any improper disclosure of confidential information during such visits.

57. In light of the above, the Panel finds that these measures remain necessary and proportionate and shall continue to apply to the Three Accused.

### 3. Consular Visits

58. The Panel recalls that it amended the requirements of the Practice Direction on Visits and Communications for consular visits,<sup>106</sup> and ordered that all consular visits to any of the Three Accused shall: (i) be subject to the same requirements as other non-privileged visits, i.e., that they shall be within sight and hearing of the Detention Officers;<sup>107</sup> and (ii) last no longer than 45 minutes.<sup>108</sup>

59. The Panel considers that the above-mentioned measures remain necessary and proportionate. As regards necessity, the Panel recalls that consular visits are usually conducted within sight but not within hearing of a Detention Officer.<sup>109</sup> Nonetheless, the Panel is of the view that it is necessary that all consular visits should continue to be conducted also within sight *and hearing* of a Detention Officer to ensure that no confidential information is shared during consular visits.

60. As regards proportionality, the Panel considers that the measures remain proportionate as they secure the Three Accused's rights to consular visits while,

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<sup>106</sup> Practice Direction on Visits and Communications, Article 20(2).

<sup>107</sup> Decision Modifying the Detention Conditions, para. 56; Decision Reviewing the Modified Detention Conditions, paras 77-79.

<sup>108</sup> Decision Modifying the Detention Conditions, para. 56; Decision Reviewing the Modified Detention Conditions, paras 77-79.

<sup>109</sup> Practice Direction on Visits and Communications, Article 20(2).

at the same time, preventing any improper disclosure of confidential information during such visits.

61. In light of the above, the Panel finds that these measures remain necessary and proportionate and shall continue to apply to the Three Accused.

#### **4. Active Monitoring**

62. The Panel recalls that it amended the requirements of the Practice Direction on Visits and Communications for all non-privileged in-person meetings,<sup>110</sup> and ordered that: (i) all non-privileged in-person meetings (excluding consular visits with proper authorisation) between the Three Accused and their visitors be actively monitored by an Albanian speaker;<sup>111</sup> (ii) the number of authorised non-privileged in-person visits be limited to five visits per month, not including consular and private visits;<sup>112</sup> and (iii) the Registrar shall have the discretion to further limit the number or duration of these visits to guarantee effective monitoring.<sup>113</sup>

63. The Registrar outlines that, should the Panel decide that the Modified Detention Conditions should be further modified, the Registry notes that the DMU would have capacity to support one additional actively monitored in-person visit per month.<sup>114</sup>

64. With respect to active monitoring, the Panel recalls that, other than private and privileged visits, visits with a detainee are always conducted within the

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<sup>110</sup> Practice Direction on Visits and Communications, Articles 2, 15(1).

<sup>111</sup> Decision Modifying the Detention Conditions, para. 57; Decision Reviewing the Modified Detention Conditions, paras 80, 82-85.

<sup>112</sup> Decision Modifying the Detention Conditions, para. 57; Decision Reviewing the Modified Detention Conditions, paras 80, 82-85.

<sup>113</sup> Decision Modifying the Detention Conditions, para. 57; Decision Reviewing the Modified Detention Conditions, paras 80, 82-85.

<sup>114</sup> Registrar Submissions, paras 13-15.

general hearing and sight of Detention Officers.<sup>115</sup> Nonetheless, the Panel still considers that the condition that non-privileged in-person visits be actively monitored, including by an Albanian speaker, and that the non-privileged in-person visits remain necessary and proportionate.

65. With respect to the number of non-privileged in-person meetings, and considering the Registrar's submissions, that the DMU would have capacity to support one additional actively monitored in-person visit per month, the Panel amends the number of authorised non-privileged in-person visits from five visits to six visits per month.

66. As regards necessity, the Panel considers that it is necessary: (i) that all non-privileged in-person visits are actively monitored to ensure that such visits are not used to disseminate confidential information; and (ii) to limit such visits to six visits per month, or to further limit the visits to guarantee effective monitoring, in light of the additional resources required to actively monitor such visits, and to ensure that all Three Accused, and other detainees, have equal access to the visitation rooms in the Detention Facilities.

67. As regards proportionality, the Panel considers that the measures are proportionate as: (i) the measures safeguard the Three Accused's right to non-privileged in-person visits; and (ii) the limitation of six non-privileged in-person visits (not including private visits, privileged visits and consular visits) either closely aligns to, or provides for a higher number of visits in totality than, what is prescribed by the regulations as a detainee is usually allowed no more than ten visiting days in any 30-day period.<sup>116</sup>

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<sup>115</sup> Practice Direction on Visits and Communications, Articles 2, 15(1). *See also* F00536, Registrar, *Registry Submissions Pursuant to the Order to Provide Information on the Detention Regime*, 20 October 2021, confidential, para. 31 (a public redacted version was issued on 29 November 2021, F00536/RED).

<sup>116</sup> KSC-BD-33, Registry, *Detention Management Unit Instruction on Visiting Procedures for Family Members and Other Personal Visitors*, 23 September 2020, Section 11(1).

68. In light of the above, the Panel amends the number of authorised non-privileged in-person visits to six visits per month. The Panel finds that the remaining measures remain necessary and proportionate and shall continue to apply to the Three Accused.

## 5. Video Visits and Telephone Calls

69. The Panel recalls that it ordered the Three Accused to adhere to certain conditions during video visits, and telephone calls, some of which were already required by the detention regulations,<sup>117</sup> and some additional conditions, namely: that (i) video visits and telephone calls and communications with the Three Accused shall require prior approval by the Registrar who was directed to ensure that the would-be interlocutor has not engaged in conduct incompatible with the integrity of the proceedings or the protection of confidential information;<sup>118</sup> (ii) if the Registrar refuses to authorise a call, she shall immediately inform the Panel of her decision;<sup>119</sup> (iii) those authorised to have telephone or video communication with one of the Three Accused shall be provided certain notifications;<sup>120</sup> and (iv) the Registry is to engage in active monitoring (of which the Accused shall be notified) of both video and audio visits and communications when the Registrar, in the exercise of her discretion, or under the guidance of the Panel when needed, finds it necessary to ensure the integrity of the proceedings, the protection of confidential information and/or to ensure compliance by the Three Accused or

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<sup>117</sup> Decision Modifying the Detention Conditions, para. 63. Specifically, the condition that the DMU must require a valid form of identification at the start of the [video] visit; *See* Registry Instruction on Video Visits, Section 4(6).

<sup>118</sup> Decision Modifying the Detention Conditions, paras 62-63; Decision Reviewing the Modified Detention Conditions, paras 86, 95-97.

<sup>119</sup> Decision Modifying the Detention Conditions, para. 62; Decision Reviewing the Modified Detention Conditions, paras 86, 95-97.

<sup>120</sup> Decision Modifying the Detention Conditions, para. 64; Decision Reviewing the Modified Detention Conditions, paras 86, 95-97.

those in contact with them with the measures ordered in the Decision Modifying the Detention Conditions.<sup>121</sup>

70. Additionally, regarding video visits and telephone calls, the Panel ordered that: (i) no unannounced individual shall participate in the call;<sup>122</sup> (ii) no person will be permitted to passively listen to the call or to otherwise receive or obtain the content of the call aurally or textually other than the announced individual;<sup>123</sup> (iii) the use of speaker-phone or similar functions is prohibited;<sup>124</sup> (iv) the use of coded language is prohibited;<sup>125</sup> (v) the detainee as well as anyone communicating with the detainee is prohibited from making audio or video recordings of visits and communications;<sup>126</sup> and (vi) in the exercise of her discretion and to guarantee the effective monitoring of such communications, the Registrar can, in her discretion, limit the number of calls/videos and/or their duration. Any such decision shall be immediately brought to the attention of the Panel.<sup>127</sup>

71. The Panel further ordered that: (i) the Registrar is to provide monitoring personnel with the necessary instructions and authority to terminate communications that fail to comply with relevant regulations or the Decision Modifying the Detention Conditions;<sup>128</sup> and (ii) if a non-privileged communication is interrupted on that basis, the Registrar is to notify the Panel immediately and

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<sup>121</sup> Decision Modifying the Detention Conditions, para. 66; Decision Reviewing the Modified Detention Conditions, paras 86, 95-97.

<sup>122</sup> Decision Modifying the Detention Conditions, para. 67; Decision Reviewing the Modified Detention Conditions, paras 87, 95-97.

<sup>123</sup> Decision Modifying the Detention Conditions, para. 67; Decision Reviewing the Modified Detention Conditions, paras 87, 95-97.

<sup>124</sup> Decision Modifying the Detention Conditions, para. 67; Decision Reviewing the Modified Detention Conditions, paras 87, 95-97.

<sup>125</sup> Decision Modifying the Detention Conditions, para. 67; Decision Reviewing the Modified Detention Conditions, paras 87, 95-97.

<sup>126</sup> Decision Modifying the Detention Conditions, para. 67; Decision Reviewing the Modified Detention Conditions, paras 87, 95-97.

<sup>127</sup> Decision Modifying the Detention Conditions, para. 67; Decision Reviewing the Modified Detention Conditions, paras 87, 95-97.

<sup>128</sup> Decision Modifying the Detention Conditions, para. 68; Decision Reviewing the Modified Detention Conditions, paras 88, 95-97.

prepare a report on the matter which it shall provide to the Panel within five days.<sup>129</sup>

72. The Panel recalls that, in the Decision Reviewing the Modified Detention Conditions, it amended the above-mentioned conditions and ordered that: (i) the one-visitor restrictions on video visits with Close Relatives be removed and that the regulation of video visits revert to the pre-existing detention regulation;<sup>130</sup> and (ii) the Three Accused be allowed to have approved calls where both their spouses and children are present.<sup>131</sup>

73. The Panel considers that the above-mentioned measures remain necessary and proportionate. As regards necessity, the Panel finds that these measures are still necessary to ensure that video visits and telephone calls are: (i) not used to undermine the integrity of the proceedings, or to engage in conduct incompatible with regulation of the DMU; and (ii) all relevant considerations can be factored into a decision on whether a video visit or telephone call should be authorised, or not.

74. As regards proportionality, the Panel considers that the measures remain proportionate as they are constructed to only exclude those individuals who could pose a threat to the integrity of the proceedings or engage in conduct incompatible with regulation of the DMU, while safeguarding the Three Accused's rights to video visits and telephone calls, and making specific accommodation to ensure that the Three Accused's have the ability to speak to their spouses and children.

75. In light of the above, the Panel finds that the remaining measures remain necessary and proportionate and shall continue to apply to the Three Accused.

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<sup>129</sup> Decision Modifying the Detention Conditions, para. 68; Decision Reviewing the Modified Detention Conditions, paras 88, 95-97.

<sup>130</sup> Decision Reviewing the Modified Detention Conditions, para. 91.

<sup>131</sup> Decision Reviewing the Modified Detention Conditions, para. 92.

## 6. Logs of Non-Privileged in-Person Visits and Video and Audio Visits and Communications

76. The Panel recalls that it ordered the Registrar to review weekly the logs of non-privileged in-person visits and logs of video and audio visits and communications of the Three Accused and Jakup Krasniqi (“Mr Krasniqi”) in order to determine, where necessary after consultation with the SPO, whether any circumstances exist which might indicate suspicious activity.<sup>132</sup>

77. The Panel considers that the above-mentioned measures remain necessary and proportionate. As regards necessity, the Panel recalls that the Chief Detention Officer is obliged to keep logs of telephone calls<sup>133</sup> and detailed information of non-privileged in-person visits<sup>134</sup> and video visits.<sup>135</sup> The Panel maintains its view that the additional requirement that the Registrar, as a person appraised of all relevant considerations, review such information is necessary to ensure that any circumstances indicating suspicious activity are identified.

78. As regards proportionality, the Panel maintains its view that the above-mentioned measures are proportionate. Details of the Three Accused’s telephone calls, non-privileged in-person visits and video visits are already recorded, and review of that information by the Registrar does not impermissibly impact the rights of the Three Accused and Mr Krasniqi.

79. In light of the above, the Panel finds that these measures remain necessary and proportionate and shall continue to apply to the Three Accused and Mr Krasniqi.

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<sup>132</sup> Decision Modifying the Detention Conditions, paras 58-59, 70-71; Decision Reviewing the Modified Detention Conditions, paras 98-101.

<sup>133</sup> Practice Direction on Visits and Communications, Article 16(4).

<sup>134</sup> Practice Direction on Visits and Communications, Articles 11(2)-(4).

<sup>135</sup> Registry Instruction on Video Visits, Section 3(1); Practice Direction on Visits and Communications, Articles 11(2)-(4).

#### E. NON-PRIVILEGED WRITTEN CORRESPONDENCE

80. The Panel recalls that it held that: (i) when considered necessary to ensure the effective implementation of the Decision Modifying the Detention Conditions, the Registrar or the Chief Detention Officer acting on the Registrar's behalf may also impose reasonable limits on the number of written correspondence which the Accused shall be permitted to send;<sup>136</sup> (ii) where the Registrar has credible indications that such correspondence might be used for purposes contrary to the detention regulations and/or the Decision Modifying the Detention Conditions, the Registrar is authorised to review the content of relevant correspondence;<sup>137</sup> and (iii) the Registrar shall immediately inform the Panel of such action.<sup>138</sup>

81. The Panel considers that the above-mentioned measures remain necessary and proportionate. As regards necessity, the Panel maintains its view that the measures are necessary to ensure that non-privileged written correspondence is not used to share confidential information.

82. As regards proportionality, the Panel maintains its view that the above-mentioned measures are proportionate. The Panel considers that the requirements safeguard the Three Accused's right to written correspondence and are in line with existing regulations pursuant to which: (i) restrictions can be imposed on the Three Accused's communications;<sup>139</sup> and (ii) the Chief Detention Officer may inspect and read the non-privileged correspondence of the Three Accused.<sup>140</sup>

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<sup>136</sup> Decision Modifying the Detention Conditions, para. 74; Decision Reviewing the Modified Detention Conditions, paras 102-105.

<sup>137</sup> Decision Modifying the Detention Conditions, para. 74; Decision Reviewing the Modified Detention Conditions, paras 102-105.

<sup>138</sup> Decision Modifying the Detention Conditions, para. 74; Decision Reviewing the Modified Detention Conditions, paras 102-105.

<sup>139</sup> Practice Direction on Visits and Communications, Articles 4(2), 6(2), 7(1).

<sup>140</sup> Practice Direction on Visits and Communications, Article 19(1).

83. In light of the above, the Panel finds that these measures remain necessary and proportionate and shall continue to apply to the Three Accused.

#### F. CHANGES TO THE IMPLEMENTATION OF THE MODIFIED DETENTION CONDITIONS

84. The Panel recalls that, following directions from the Panel, the Registrar outlined that changes could be made to the implementation of the Modified Detention Conditions to give an opportunity to the Three Accused to request: (i) two additional video visits with Close Relatives per month; and (ii) one additional private visit with spouses and children per month.<sup>141</sup> Therefore, and mindful of the importance to safeguard the Three Accused's right to respect for family life, the Panel agrees with the Registrar's envisaged changes to the implementation of the Modified Detention Conditions.

#### V. CLASSIFICATION

85. The Panel notes that the Request, Response, Reply and Registrar Submissions were filed confidentially. The Panel further notes that the Registrar has no objections to the Registrar Submissions being reclassified as public.<sup>142</sup> The Panel therefore: (i) orders the Selimi Defence and the SPO to file public redacted versions of their respective filings or request that they be reclassified as public by no later than **Thursday, 26 March 2026**; and (ii) orders the Registry to reclassify the Registrar Submissions as public by no later than **Thursday, 26 March 2026**.

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<sup>141</sup> Registrar Submissions, paras 7-11.

<sup>142</sup> Registrar Submissions, para. 18.

## VI. DISPOSITION

86. In light of the foregoing, the Panel hereby:

- a) **REJECTS** the Request;
- b) **AMENDS** the Modified Detention Conditions as specified in paragraphs 64-68;
- c) **ORDERS** the Registrar to take measures and to implement the Modified Detention Conditions, as amended in paragraphs 64-68;
- d) **AGREES** with the Registrar's envisaged changes to the implementation of the Modified Detention Conditions, specified in paragraph 84;
- e) **ORDERS** the Selimi Defence and the SPO to file public redacted versions of their respective filings or request that they be reclassified as public by **Thursday, 26 March 2026**; and
- f) **ORDERS** the Registry to reclassify the Registrar Submissions as public by no later than **Thursday, 26 March 2026**.



**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Thursday, 19 March 2026

At The Hague, the Netherlands.