



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSC-BC-2023-12  
**The Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj,  
Isni Kilaj, Fadil Fazliu and Hajredin Kuçi**

**Before:** Single Trial Judge  
Judge Christopher Gosnell

**Registrar:** Fidelma Donlon

**Date:** 2 June 2026

**Language:** English

**Classification:** Public

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**Ninth Decision on Review of Detention of Hashim Thaçi**

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**THE SINGLE TRIAL JUDGE**, pursuant to Article 41(6) and (10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rules 56(2) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers,<sup>1</sup> hereby issues this decision.

## I. PROCEDURAL BACKGROUND

1. On 5 December 2024, Hashim Thaçi ("Mr Thaçi"), already detained at the Detention Facilities of the Specialist Chambers ("SC") in the context of the proceedings in case of *The Specialist Prosecutor v. Hashim Thaçi et al.* ("Case 6"), was served with an arrest warrant, issued by the Pre-Trial Judge in the present proceedings ("Case 12"),<sup>2</sup> on the basis of the confirmation of the indictment in this case against him and four other Accused.<sup>3</sup> On 8 December 2024, Mr Thaçi made his initial appearance, at which time his continued detention was ordered.<sup>4</sup> He remains in custody to this day, following eight bi-monthly reviews of detention as required by Article 41(10).<sup>5</sup>

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<sup>1</sup> All references to "Article" and "Rule" shall be understood, unless otherwise indicated, as referring to the Law and Rules.

<sup>2</sup> KSC-BC-2023-12, F00037, Pre-Trial Judge, *Decision on Request for Arrest Warrants and Related Matters* ("Decision on Arrest"), 29 November 2024, confidential, with Annexes 1-8, strictly confidential and *ex parte*, Annex 4 (public redacted version filed on 19 December 2024, [F00037/RED](#)).

<sup>3</sup> KSC-BC-2023-12, F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment* ("Confirmation Decision"), 29 November 2024, confidential (public redacted version filed on 12 February 2025, [F00036/RED](#)); F00260, Pre-Trial Judge, *Decision Amending the "Decision on the Confirmation of the Indictment" and Setting a Date for the Submission of Preliminary Motions*, 14 April 2025, public; F00264/A02, Specialist Prosecutor, *Public Redacted Amended Confirmed Indictment* ("Amended Confirmed Indictment"), 16 April 2025, public.

<sup>4</sup> KSC-BC-2023-12, Transcript of Hearing, *Initial Appearance of Hashim Thaçi* ("Decision on Detention"), 8 December 2024, public, p. 18, lines 10-20.

<sup>5</sup> KSC-BC-2023-12, F00165, Pre-Trial Judge, *Decision on Review of Detention of Hashim Thaçi* ("First Review Decision"), 7 February 2025, public; F00250, Pre-Trial Judge, *Second Decision on Review of Detention of Hashim Thaçi* ("Second Review Decision"), 7 April 2025, public; F00325, Pre-Trial Judge, *Third Decision on Review of Detention of Hashim Thaçi* ("Third Review Decision"), 5 June 2025, public; F00405, Pre-Trial Judge, *Fourth Decision on Review of Detention of Hashim Thaçi* ("Fourth Review Decision"), 5 August 2025, public; F00476, Pre-Trial Judge, *Fifth Decision on Review of Detention of Hashim Thaçi* ("Fifth Review Decision"), 3 October 2025, public; F00597, Single Trial Judge, *Sixth Decision on Review of Detention of Hashim Thaçi* ("Sixth Review Decision"), 3 December 2025, public,

2. On 11 May 2026, the Specialist Prosecutor's Office ("SPO") filed submissions on the periodic review of Mr Thaçi's detention.<sup>6</sup>

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

## II. SUBMISSIONS

4. The SPO requests Mr Thaçi's continued detention on the basis that there have been no relevant developments that would undermine the findings made in previous detention reviews.<sup>7</sup> The SPO submits that all three risks under Article 41(6)(b) continue to exist<sup>8</sup> and that no measures less restrictive than detention can adequately address those risks.<sup>9</sup> The SPO asserts, as in its submissions in previous detention reviews, that Mr Thaçi's continued detention remains necessary and proportionate and points to the "swift progress" of the proceedings, and the potentially lengthy sentence Mr Thaçi faces if convicted.<sup>10</sup>

## III. APPLICABLE LAW

5. The standards applicable to the continued detention of a person by the SC are set out in Article 41(6) and (10) and Rules 56 and 57. These provisions have been extensively interpreted in the SC's jurisprudence and must be applied and interpreted in conformity with the Constitution of Kosovo and the (European) Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>11</sup>

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F00718, Single Trial Judge, [Seventh Decision on Review of Detention of Hashim Thaçi](#) ("Seventh Review Decision"), 3 February 2026, public; KSC-BC-2023-12, F00838, Single Trial Judge, [Eighth Decision on Review of Detention of Hashim Thaçi](#) ("Eighth Review Decision"), 2 April 2026, public.

<sup>6</sup> KSC-BC-2023-12, F00907, Specialist Prosecutor, *Public Redacted Version of Prosecution Submissions on Review of Detention of Hashim Thaçi* ("SPO Submissions"), 11 May 2026, public.

<sup>7</sup> SPO Submissions, paras 4, 9.

<sup>8</sup> SPO Submissions, paras 5-7.

<sup>9</sup> SPO Submissions, para. 9.

<sup>10</sup> SPO Submissions, paras 10-11.

<sup>11</sup> See, for example, [Eighth Review Decision](#), para. 5; [Seventh Review Decision](#), para. 7; [Sixth Review Decision](#), para. 7; [Fifth Review Decision](#), paras 9-12; [Second Review Decision](#), paras 14-15 (general requirements), para. 16 (grounded suspicion), paras 19-22 (necessity of detention), para. 36 (conditional release), para. 40 (proportionality), and references cited therein; [First Review Decision](#), paras 12-13 (general requirements), para. 14 (grounded suspicion), paras 17-20 (necessity of detention), para. 37 (conditional release), para. 41 (proportionality).

6. Each bi-monthly review of detention is a *de novo* assessment.<sup>12</sup> According to the Court of Appeals Panel:

The competent panel is not required to make findings on the factors already decided upon in the initial ruling on detention but must examine these reasons or circumstances and determine whether they still exist. What is crucial is that the competent panel is satisfied that, at the time of the review decision, grounds for continued detention still exist.<sup>13</sup>

7. Further, “although the automatic review [...] is not strictly limited to whether or not a change of circumstances occurred in the case, such a change can nonetheless be determinative and shall be taken into consideration if raised before the Panel or *proprio motu*.”<sup>14</sup> The Single Trial Judge understands that although he is not “required” to revisit findings made in previous detention reviews, he must be “satisfied” that “grounds for continued detention still exist” including, but without being limited to, considering any change of circumstances that may have arisen since the last detention review.

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<sup>12</sup> KSC-BC-2020-06, IA006-F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against Decision on Review of Detention](#) (“Krasniqi Appeal Decision”), 1 October 2021, public, paras 14-17; F03484, Trial Panel II, [Decision on Periodic Review of Detention of Jakup Krasniqi](#), 18 September 2025, public, para. 49 (“the Panel observes that detention is governed by strict conditions set out in Article 41 and the Panel assesses the Parties’ submissions *de novo* as part of the bi-monthly detention review pursuant to Article 41(10)”). See also F00177/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Hashim Thaçi's Application for Interim Release](#), 22 January 2021, public, para. 26.

<sup>13</sup> KSC-BC-2020-07, IA002/F00005, Court of Appeals Panel, [Decision on Nasim Haradinaj's Appeal Against Decision Reviewing Detention](#), 9 February 2021, public, para. 55. See [Krasniqi Appeal Decision](#), para. 15 (“The Panel considers that a further explanation of how the above findings must be interpreted is warranted. In that regard, the Panel underlines that the duty to determine whether the circumstances underpinning detention “still exist” is not a light one. It imposes on the competent panel the task to, *proprio motu*, assess whether, it is still satisfied that, at the time of the review and under the specific circumstances of the case when the review takes place, the detention of the Accused remains warranted.”)

<sup>14</sup> KSC-BC-2023-12, IA004-F00005, Court of Appeals Panel, [Decision on Isni Kilaj's Appeal Against Third Decision on Review of Detention](#) (“Second Kilaj Detention Appeal Decision”), 1 September 2025, public, para. 31.

## IV. DISCUSSION

### A. GROUNDED SUSPICION

8. A precondition of detention under Article 41(6)(a) is that there be a “grounded suspicion that [the detainee] has committed a crime within the jurisdiction of the Specialist Chambers”. Based on the findings in the Confirmation Decision,<sup>15</sup> for which a higher standard applies than “grounded suspicion”, and in the absence of any other intervening information or developments, the requirement of a “grounded suspicion” is satisfied.

### B. PRESENCE OF ARTICLE 41(6)(B) RISKS

#### 1. Risk of Flight

9. The SPO submits that Mr Thaçi’s risk of flight is established based on the gravity of the charged offences, and potential sentence if convicted; his alleged “*mala fide*” intentions towards the laws and rules of the KSC; and his means and opportunity to flee.<sup>16</sup>

10. Considering that only one of the Article 41(6)(b) conditions need be satisfied to prolong detention,<sup>17</sup> and in light of the findings below in respect of the risks under Article 41(6)(b)(ii) and (iii), no finding is required as to whether Mr Thaçi is presently a flight risk.

#### 2. Risk of Obstructing the Progress of SC Proceedings

11. Article 41(6)(b)(ii) authorises the continued detention of a person where there are articulable grounds to believe that “he or she will destroy, hide, change or forge

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<sup>15</sup> [Confirmation Decision](#), para. 313(a).

<sup>16</sup> SPO Submissions, para. 5.

<sup>17</sup> See KSC-BC-2023-12, IA001-F0005, Court of Appeals Panel, [Decision on Isni Kilaj’s Appeal Against Decision on Continued Detention](#), 28 January 2025, public, para. 17 (“[t]he conditions set forth in Article 41(6)(b) of the Law are alternative to one another. If one of those conditions is fulfilled, the other conditions do not have to be addressed in order for detention to be maintained.”)

evidence of a crime or specific circumstances indicate that he or she will obstruct the progress of the criminal proceedings by influencing witnesses, victims or accomplices.”

12. The SPO submits that a “real risk” persists that Mr Thaçi, if released, may obstruct SC proceedings given the grounded suspicion of the charges alleged in the present case, including Mr Thaçi’s alleged leadership role in “seeking the cooperation of, and giving instructions to, individuals who remain at liberty in Kosovo.”<sup>18</sup> More specifically, the SPO states there is a real risk Mr Thaçi would target Case 6 witnesses and/or pressure uncharged co-perpetrators in this case.<sup>19</sup> The SPO also points to the prevalent climate of witness intimidation in Kosovo, evidenced by public scrutiny in the local media.<sup>20</sup>

13. The Single Trial Judge recalls previous findings that certain factors point to a risk that Mr Thaçi may, if released, obstruct the progress of SC proceedings as described in Article 41(6)(b)(ii): (i) the grounded suspicion of extensive efforts by Mr Thaçi to obstruct the Case 6 proceedings, which are the basis for the charges in the present case; (ii) the alleged leadership role of Mr Thaçi in those efforts; and (iii) the allegation that these efforts included seeking the cooperation of, and giving instructions to, individuals who are at liberty in Kosovo.<sup>21</sup> These risks, as previously found, must also be viewed in the context of a prevalent climate of witness intimidation in Kosovo, in particular in respect of investigations and prosecutions of crimes attributed to ex-KLA members.<sup>22</sup>

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<sup>18</sup> SPO Submissions, para. 6.

<sup>19</sup> SPO Submissions, para. 10.

<sup>20</sup> SPO Submissions, para. 6.

<sup>21</sup> [Eighth Review Decision](#), para. 12; [Seventh Review Decision](#), para. 15; [Sixth Review Decision](#), para. 19.

<sup>22</sup> KSC-BC-2023-12, F00706, Single Trial Judge, [Decision on Prosecution Motion for Judicial Notice of an Adjudicated Fact](#), 29 January 2026, para. 20; [Eighth Review Decision](#), para. 15; [Seventh Review Decision](#), para. 15; [Sixth Review Decision](#), para. 19; [Fifth Review Decision](#), para. 20; [Fourth Review Decision](#), para. 20; [Third Review Decision](#), para. 23; [Second Review Decision](#), para. 30; [First Review Decision](#), para. 31; [Decision on Detention](#), p. 18, lines 16-20; [Decision on Arrest](#), para. 51. *See also* [Second Kilaj Detention Appeal Decision](#), para. 83.

14. These factors must also be assessed in light of the stage of proceedings, including the opportunities for obstruction given the stage of proceedings. The Eighth Review Decision found that the risk of obstruction in this case was “reduced relative to previous detention reviews”, but was not entirely foreclosed given “the various ways in which evidence could still be heard, including the possibility of witnesses being summoned by the court or rebuttal or rejoinder evidence until the closing of the case.”<sup>23</sup> The likelihood of additional evidence being heard in this case has diminished further since the Eighth Review Decision, in light of the closure of the Defence cases, the absence of any request to present rebuttal evidence, and the Single Trial Judge’s indication that he does not intend to call evidence pursuant to Rule 132.<sup>24</sup> While there remains a possibility, depending on the outcome of a pending interlocutory appeal, of evidence being presented in response to that of prosecution Witness 8,<sup>25</sup> it would likely be of limited scope.<sup>26</sup>

15. Consideration must also be given, however, to the situation of the Case 6 witnesses whom the SPO alleges have been targeted for influencing.<sup>27</sup> Although those witnesses have not appeared as witnesses in this case, the fact of their status as Case 6 witnesses has been judicially noticed or acknowledged as an agreed fact between the Parties.<sup>28</sup> In the context of the inter-relationship between Case 6 and

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<sup>23</sup> [Eighth Review Decision](#), para. 15.

<sup>24</sup> KSC-BC-2023-12, F00857, Single Trial Judge, [Order for Submissions on the Further Conduct of Proceedings](#), 16 April 2026, public, para. 6; F00890, Single Trial Judge, [Public Redacted Version of Order on the Further Conduct of Proceedings](#) (“Order on the Further Conduct of Proceedings”), 29 April 2026, public, para. 31; F00914, Kilaj Defence, *Kilaj Defence Notice Pursuant to Rule 131*, 14 May 2026, public; F00916, Thaçi Defence, *Thaçi Defence Notice Pursuant to Rule 131*, 14 May 2026, public; F00917, Kuçi Defence, *Kuçi Defence Notice Pursuant to Rule 131*, 14 May 2026, public; F00918, Smakaj Defence, *Bashkim Smakaj Defence Notice Pursuant to Rule 131*, 15 May 2026, public; F00919, Fazliu Defence, *Fazliu Defence Notice Pursuant to Rule 131*, 18 May 2026, public.

<sup>25</sup> [Order on the Further Conduct of Proceedings](#), para. 25.

<sup>26</sup> See also KSC-BC-2023-12, F00855, *Decision on the Fazliu Defence Request for Variation of a Release Condition*, 14 April 2026, confidential, para. 9 (public redacted version filed on 1 May 2026, F00855/RED).

<sup>27</sup> See [Amended Confirmed Indictment](#), paras 9, 13-14, 21-22, and 29-34.

<sup>28</sup> KSC-BC\_2023-12, F00523/A01, *Public redacted version of ‘ANNEX 1 to Notification of agreed facts’* KSC-BC-2023-12/F00469/A01, 23 October 2025, public; F00687, Single Trial Judge, *Decision on the Specialist*

Case 12, Trial Panel II observed that “the risk of interference also extend[s] to attempts to interfere with witnesses in parallel proceedings.”<sup>29</sup>

16. Trial Panel II, which is better placed to evaluate whether there is such a risk arising from the release of Mr Thaçi, has noted that “the names and personal details of certain highly sensitive SPO witnesses have been disclosed to the Thaçi Defence and have therefore become known to a broader range of people, including to Mr Thaçi.”<sup>30</sup> The risk of the identities of these “highly sensitive SPO witnesses” becoming publicly known leads, in turn, to a risk of retaliation by third parties and/or attempts to incentivise the witnesses to recant.<sup>31</sup> The reference to “highly sensitive SPO witnesses” must be understood as encompassing “at a minimum, all witnesses who were granted protective measures in [Case 6] and whose identities were not disclosed to the public.”<sup>32</sup> This includes two of the individuals alleged in this case to have been targeted by Mr Thaçi for influencing.<sup>33</sup> The danger of public disclosure and its consequences must be viewed in the context of a prevalent climate of witness intimidation in Kosovo, in particular in respect of investigations and prosecutions of crimes attributed to ex-KLA members.<sup>34</sup> These risks continue notwithstanding the imminent closure of evidence in this case.

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*Prosecutor’s Motion for Admission of Evidence of Witnesses 7 and 9 pursuant to Rule 154*, 22 January 2026 (public redacted version filed on 6 February 2026, F00687/RED); F00740, Single Trial Judge, *Decision on Prosecution Motion for Judicial Notice of Facts of Common Knowledge* (F00629), 13 February 2026, public, paras 20-32, with Annex 1, confidential; F00767, Specialist Prosecutor, *Seventh Notification of Additional Agreed Facts*, 2 March 2026, public, with Annex 1, public; F00786/A01, Specialist Prosecutor, *Public Redacted Version of ‘Annex 1 to Fourth Notification of Additional Agreed Facts’* KSC-BC-2023-12/F00762/A01, 11 March 2026, public; F00894, Single Trial Judge, *Decision on the Thaçi Defence Request for Admission of Documents from the Bar Table*, 30 April 2026, confidential, paras 18-25 (public redacted version filed on 7 May 2026, F00894/RED).

<sup>29</sup> KSC-BC-2020-06, F03718, Trial Panel II, [Decision on Periodic Review of Detention of Hashim Thaçi](#), (“Case 6 Review Decision”), 10 April 2026, public, para. 30.

<sup>30</sup> [Case 6 Review Decision](#), para. 29.

<sup>31</sup> [Case 6 Review Decision](#), para. 29.

<sup>32</sup> KSC-BC-2020-06, IA042/F00005/RED, Court of Appeals Panel, *Public Redacted Version of Decision on Rexhep Selimi’s Appeal Against Decision on Periodic Review of Detention*, 28 May 2026, public, para. 52.

<sup>33</sup> KSC-BC-2023-12, F00172, Pre-Trial Judge, *Decision on Prosecution Protective Measures*, 11 February 2025, confidential, para.43(e) (public redacted version filed on 11 March 2025, F00/172/RED).

<sup>34</sup> See also [Case 6 Review Decision](#), para. 32.

17. In summary, the Single Trial Judge finds that a “real risk”<sup>35</sup> remains that Mr Thaçi may, if released, obstruct the progress of SC proceedings under Article 41(6)(b)(ii) on the basis of the following factors: (i) the grounded suspicion of extensive efforts by Mr Thaçi to obstruct the Case 6 proceedings, which are the basis for the charges in the present case; (ii) the alleged leadership role of Mr Thaçi in those efforts; (iii) the allegation that these efforts included seeking the cooperation of, and giving instructions to, individuals who are at liberty in Kosovo; (iv) the fact that these efforts extended to highly sensitive protected witnesses; and (v) that there remains a risk, notwithstanding the imminent closure of evidence in the present case, of retaliation against or efforts to influence those highly sensitive witnesses.

18. For these reasons, the requisite degree of risk under Article 41(6)(b)(ii) is satisfied.

### **3. Risk of Committing Further Offences**

19. The SPO relies on its submissions on the risk of obstruction to substantiate the risk of potential future repetition of the crime.<sup>36</sup> The SPO submits the risk is particularly acute (although “somewhat diminished”) with respect to any rebuttal or rejoinder evidence which may be heard.<sup>37</sup>

20. The Single Trial Judge recalls that the reasons supporting the finding that there is a real risk of obstruction of proceedings likewise support a finding of a real risk that alleged further offences would be committed for that purpose.<sup>38</sup>

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<sup>35</sup> See KSC-BC-2020-06, IA004-F00005, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi’s Appeal Against Decision on Interim Release](#), 30 April 2021, public, paras 24, 45.

<sup>36</sup> SPO Submissions, para. 7.

<sup>37</sup> SPO Submissions, para. 7.

<sup>38</sup> See also [Eighth Review Decision](#), para 18; [Seventh Review Decision](#), para. 17; [Sixth Review Decision](#), para. 22; [Fifth Review Decision](#), para. 22; [Fourth Review Decision](#), para. 22; [Third Review Decision](#), para. 25; [Second Review Decision](#), para. 33; [First Review Decision](#), para. 34; [Decision on Detention](#), p. 18, lines 16-20; [Decision on Arrest](#), para. 54.

21. Accordingly, the requisite degree of risk that Mr Thaçi may commit further offences under Article 41(6)(b)(iii) is satisfied.

#### 4. Conclusion

22. The Single Trial Judge is satisfied a real risk remains that Mr Thaçi may obstruct the progress of the SC proceedings and commit further offences under Article 41(6)(b)(ii) and (iii) respectively. The Single Trial Judge will assess below whether these risks can be adequately mitigated by any conditions of release.

#### C. POTENTIAL CONDITIONS OF RELEASE

23. An accused “can only be detained if lesser measures would be insufficient to mitigate the risks of flight, obstruction or commission of further crimes.”<sup>39</sup> This standard reflects the presumption in favour of pre-trial release, which is itself a reflection of the bedrock principle of the presumption of innocence.<sup>40</sup>

24. The SPO submits that risks pursuant to Article 41(6) can only be effectively managed in the SC Detention Centre.<sup>41</sup> The SPO highlights in particular the “inability to ensure the effective monitoring of Mr Thaçi’s communications”, should he be released.<sup>42</sup>

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<sup>39</sup> [Second Kilaj Detention Appeal Decision](#), para. 32. See KSC-CC-PR-2017-01, F00004, Specialist Chamber of the Constitutional Court, [Judgment on the Referral of the Rules of Procedure and Evidence Adopted by Plenary on 17 March 2017 to the Specialist Chamber of the Constitutional Court Pursuant to Article 19\(5\) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office](#), 26 April 2017, public, para. 114. See also ECtHR, [Buzadji v. the Republic of Moldova](#), no. 23755/07, Judgment, 5 July 2016, para. 87; [Idalov v. Russia](#), no. 5826/03, Judgment, 22 May 2012, para. 140.

<sup>40</sup> KSC-BC-2020-06, IA003-F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Rexhep Selimi’s Appeal Against Decision on Interim Release](#) (“Selimi Appeal Decision”), 30 April 2021, public, paras 85-86 (“The Court of Appeals Panel notes the finding of the Constitutional Court that to fully comply with the constitutional standards, a panel must consider more lenient measures when deciding whether a person should be detained. The Panel interprets the Constitutional Court’s ruling as meaning that, in the assessment of the Proposed Conditions, the Pre-Trial Judge is required, *proprio motu*, to inquire and evaluate all reasonable conditions that could be imposed on an accused and not just those raised by the Defence. The Panel comes to this conclusion in light of the fundamental right of liberty at stake with regard to a suspect or an accused in pre-trial detention and the presumption of innocence governing this part of the proceedings.”)

<sup>41</sup> SPO Submissions, paras 9, 11.

<sup>42</sup> SPO Submissions, para. 8.

25. The Single Trial Judge is not persuaded that any reasonable conditions of release presently available could satisfactorily mitigate the risk that the Mr Thaçi may obstruct the progress of SC proceedings or commit further offences.<sup>43</sup> Notably, the Single Trial Judge is of the view that any conditions that could be feasibly imposed would not: (i) address, for example, the possibility of Mr Thaçi using other persons, or employing communication devices belonging to other persons, or (ii) ensure the effective monitoring of Mr Thaçi's communications.<sup>44</sup> By contrast, the measures in place at the SC Detention Facilities, including the further measures ordered in this case,<sup>45</sup> substantially reduce that risk.<sup>46</sup>

26. The Single Trial Judge concludes that no reasonable conditions of release could sufficiently reduce the risks of obstruction of proceedings or re-offending under Article 41(6)(b)(ii)-(iii).

#### D. PROPORTIONALITY OF DETENTION

27. Rule 56(2) requires "that a person is not detained for an unreasonable period prior to the opening of the case." This standard likewise applies after the opening

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<sup>43</sup> [Eighth Review Decision](#), para. 22; [Seventh Review Decision](#), para. 21; [Sixth Review Decision](#), para. 26; [Fifth Review Decision](#), para. 25; [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 28; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38; see KSC-BC-2020-06, IA017/F00011/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#) ("Thaçi 2022 Appeal Decision"), 5 April 2022, public, para. 51.

<sup>44</sup> [Eighth Review Decision](#), para. 22; [Seventh Review Decision](#), para. 21; [Sixth Review Decision](#), para. 26; [Fifth Review Decision](#), para. 26; [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 28; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38.

<sup>45</sup> KSC-BC-2023-12, F00675, Single Trial Judge, *Second Decision on Review of Hashim Thaçi's Detention Conditions*, 16 January 2026, confidential and *ex parte* (public redacted version filed on 16 March 2026, F00675/RED).

<sup>46</sup> [Eighth Review Decision](#), para. 23; [Seventh Review Decision](#), para. 22; [Sixth Review Decision](#), para. 27; [Fifth Review Decision](#), para. 26; [Fourth Review Decision](#), para. 26; [Third Review Decision](#), para. 29; [Second Review Decision](#), para. 38; [First Review Decision](#), para. 39. Similarly, KSC-BC-2020-06, IA010-F00008/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#) ("Thaçi 2021 Appeal Decision"), 27 October 2021, public, para. 68.

of the case and throughout trial proceedings.<sup>47</sup> The SPO “carries the burden of establishing that detention is necessary and that its length remains reasonable,”<sup>48</sup> and “any analysis of pre-trial detention must take the presumption of innocence as its starting point.”<sup>49</sup> As the Court of Appeals Panel has remarked, “the longer a person remains in pre-trial detention the higher the burden on the Specialist Chambers to justify continued detention.”<sup>50</sup> Moreover, the analysis of whether the period of detention has become unreasonable applies regardless of whether any of the Article 41(6)(b) risk factors are found to exist.

28. Reasonableness is to be assessed by weighing various considerations including: the duration of detention at the time of review;<sup>51</sup> “the nature of the offence as well as the severity of the penalty”;<sup>52</sup> “the degree of risks that are described in Article 41(6)(b) of the Law”;<sup>53</sup> the speed with which proceedings are progressing towards trial (or a final judgment), and whether the length of proceedings is justified by its complexity;<sup>54</sup> and the frequent review of detention

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<sup>47</sup> See [Second Kilaj Detention Appeal Decision](#), para. 46 (“At the outset, the Appeals Panel recalls that a panel has a general obligation to ensure that the time spent in detention is reasonable, in accordance with Article 29(2) of the Constitution and Article 5(3) of the ECHR”); KSC-BC-2020-06, F03587, Trial Panel II, [Decision on Periodic Review of Detention of Jakup Krasniqi](#), 18 November 2025, public, paras 31-35 (applying Rule 56(2) and finding that continued detention remains “necessary and reasonable in the specific circumstances of this case”); F03539, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Jakup Krasniqi*, 27 October 2025, public, para. 26 (SPO arguing that detention of Krasniqi “remains proportional”).

<sup>48</sup> See [Second Kilaj Detention Appeal Decision](#), para. 47.

<sup>49</sup> See [Selimi Appeal Decision](#), para. 37.

<sup>50</sup> See KSC-BC-2020-07, IA001-F00005, Court of Appeals Panel, [Decision on Hysni Gucati's Appeal on Matters Related to Arrest and Detention](#), 9 December 2020, public, para. 73.

<sup>51</sup> See [Selimi Appeal Decision](#), paras 79-81.

<sup>52</sup> See [Gucati Appeal Decision](#), para. 72 (“The Court of Appeals Panel takes the present opportunity to stress that the nature of the offence as well as the severity of the penalty are important factors to consider when deciding whether detention is necessary in the circumstances of a specific case.”).

<sup>53</sup> See KSC-BC-2023-12, INV-F00129/COR/RED, Single Judge, *Public Redacted Version of Corrected Version of Decision on Review of Detention of Isni Kilaj* (“Kilaj Release Decision”), 3 May 2024 (date of public redacted corrected version 15 May 2024), public, para. 60. See [Thaçi 2021 Appeal Decision](#), para. 49.

<sup>54</sup> See [Thaçi 2021 Appeal Decision](#), para. 52 (“the Pre-Trial Chamber correctly assessed the circumstances of the case as a whole, taking into consideration the factors listed above in paragraph 50 of this decision”); [Kilaj Release Decision](#), para. 60 (“the investigative and procedural steps taken towards moving the case forward since the last review of detention.”).

which, pursuant to the Rules, occurs every two months.<sup>55</sup> Ultimately, the reasonableness of continued detention “must be assessed on the facts of each case and according to its special features.”<sup>56</sup>

29. The SPO submits that Mr Thaçi’s continued detention is both necessary and proportionate because *inter alia*: (i) Article 41 risks cannot be reasonably mitigated outside of detention;<sup>57</sup> (ii) Mr Thaçi’s “demonstrated and blatant disregard” for SC rules; (iii) Mr Thaçi faces a potentially lengthy sentence if convicted;<sup>58</sup> and (iv) the case is progressing swiftly.<sup>59</sup> The SPO adds that the necessity of Mr Thaçi’s continued detention is “inherently recognised by the fact ‘Restricted Visitors’ continue to be prohibited from visiting him in a non-privileged setting”.<sup>60</sup>

30. Despite the additional time that Mr Thaçi has spent in detention since the Eighth Review Decision, and despite the total duration of Mr Thaçi’s detention since his arrest,<sup>61</sup> Mr Thaçi’s detention continues to be reasonable and proportionate. The sentencing range arising from the charged three counts of attempting to obstruct official persons in performing official duties, four counts of violating the secrecy of proceedings and four counts of contempt of court<sup>62</sup> is much higher than that against his co-Accused.<sup>63</sup> Furthermore, these charges and the underlying evidence upon which they are based, including Mr Thaçi’s alleged leadership role, reflect a much higher degree of risk under Article 41(6)(b)(ii), against which the proportionality of detention must also be weighed.

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<sup>55</sup> See [Selimi Appeal Decision](#), para. 81.

<sup>56</sup> See [Thaçi 2022 Appeal Decision](#), para. 65.

<sup>57</sup> SPO Submissions, para. 11.

<sup>58</sup> SPO Submissions, para. 10.

<sup>59</sup> SPO Submissions, para. 10.

<sup>60</sup> SPO Submissions, para. 9.

<sup>61</sup> See *supra* para. 1.

<sup>62</sup> [Amended Confirmed Indictment](#), para. 45.

<sup>63</sup> KSC-BC-2023-12, F00720, Single Trial Judge, [Public Redacted Version of Seventh Decision on Review of Detention of Fadil Fazliu](#), 3 February 2026, public, paras 54-55; F00719, Single Trial Judge, [Public Redacted Version of Seventh Decision on Review of Detention of Bashkim Smakaj](#), 3 February 2026, public, paras 49-50; F00599, Single Trial Judge, [Public Redacted Version of Sixth Decision on Review of Detention of Isni Kilaj](#), 3 December 2025, public, para. 47.

31. In addition, this case is progressing speedily towards judgment and the Single Trial Judge has informed parties to be prepared to file their Final Trial Briefs by 19 June 2026.<sup>64</sup>

32. For these reasons, Mr Thaçi's detention remains reasonable and proportionate.

33. Moreover, pursuant to Article 41(10) and Rule 57(2), Mr Thaçi's detention will continue to be regularly reviewed upon the expiry of two months from the last ruling on detention or at any time upon request, or *proprio motu*, where a change in circumstances since the last review has occurred. The Single Trial Judge notes that the next bi-monthly review of Mr Thaçi's detention would be greatly assisted by submissions from the Thaçi Defence.

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

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<sup>64</sup> [Order on the Further Conduct of Proceedings](#), paras 25-26, 31.

## V. DISPOSITION

35. For the above-mentioned reasons, the Single Trial Judge hereby:
- a. **ORDERS** Mr Thaçi's continued detention;
  - b. **ORDERS** Mr Thaçi, if he so wishes, to file submissions on the next review of detention by **Monday, 6 July 2026, at 16h00**, with response and reply following the timeline set out in Rule 76 of the Rules; and
  - c. **ORDERS** the SPO, should Mr Thaçi decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Thaçi's detention by **Monday, 13 July 2026, at 16h00**, and Mr Thaçi, if he so wishes, to file his response by **Monday, 20 July 2026, at 16h00**.



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**Judge Christopher Gosnell**  
**Single Trial Judge**

Dated this Tuesday, 2 June 2026

At The Hague, the Netherlands.