

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 Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Kadri Veseli

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Public Redacted Version of Veseli Defence Renewed Request for Provisional Release

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I. INTRODUCTION

1. In light of a material change in circumstances arising since the Panel's previous determination of continued detention, the Defence for Mr Kadri Veseli (the "Defence") renews its request for provisional release, pursuant to Article 41(12) of the Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 56-57 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules").¹
2. This request arises due to a second extension of the deadline of the pronouncement of the Trial Judgment. The Defence submits that this procedural development is a material change in circumstances that requires a renewed assessment of whether Mr Veseli's continued detention remains justified under the legal framework of this Court.
3. The Defence therefore requests that Mr Veseli be granted provisional release for a limited period of time, pending the pronouncement of the Trial Judgment, on such conditions as the Panel considers necessary and sufficient.

II. PROCEDURAL BACKGROUND

4. Mr Veseli was arrested on 5 November 2020 pursuant to an arrest warrant issued following the confirmation of the indictment against him and has remained continuously detained since that date,² except for three brief periods of temporary release on compassionate grounds.³

¹ See also F03076, Veseli Defence, *Veseli Defence Request for Provisional Release with Confidential Annex A*, 3 April 2025, confidential, paras. 22-26.

² F00050, *Notification of Arrest of Kadri Veseli Pursuant to Rule 55(4)*, 5 November 2020 (strictly confidential and *ex parte*, reclassified as public on 20 November 2020); F00026/RED, *Public Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 30 November 2020 (original version filed on 26 October 2020).

³ F00271, Trial Panel II, *Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds*, 30 April 2021, confidential and *ex parte* (A public redacted version was issued on 11 May 2021, F00271/RED); modified by F00276, Trial Panel II, *Decision on Veseli Defence Request for Modification of Decision KSC-BC-2020-06/F00271*, 4 May 2021, confidential and *ex parte* (A public redacted version was

5. The procedural background regarding Mr Veseli's detention has been set out in detail in previous relevant decisions.⁴
6. On 3 April 2023, the trial commenced,⁵ and on 15 April 2025, the Prosecution closed its case.⁶
7. On 15 September 2025, the Defence case commenced,⁷ and on 2 December 2025, the Defence closed its case.⁸
8. On 19 December 2025, the Panel closed the evidentiary proceedings.⁹
9. On 9 February 2026, the closing arguments commenced, and they concluded on 18 February 2026. On 18 February 2026, the Presiding Judge declared the case closed pursuant to Rule 136(1).¹⁰ Pursuant to Rule 159(1) the Judgment would ordinarily have been rendered within 90 days of this event.
10. On 5 May 2026, the Panel issued its first extension of the deadline for the pronouncement of the Trial Judgment by 60 days, until 20 July 2026.¹¹
11. On 15 May 2026, the Trial Panel most recently ordered Mr Veseli's continued detention.¹²

issued on 11 May 2021, F00276/RED); F00386, *Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds*, 8 July 2021, confidential and ex parte (A public redacted version was issued on 16 July 2021, F00386/RED); F00640, *Third Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds*, 8 January 2022, confidential and ex parte (A public redacted version was issued on 17 January 2022, F00640/RED).

⁴ F03737, Trial Panel II, *Decision on Periodic Review of Detention of Kadri Veseli*, 15 May 2026, confidential.

⁵ Transcript of Hearing (Opening Statements), 3 April 2023.

⁶ F03121, Specialist Prosecutor, *Prosecution notice pursuant to Rule 129*, 15 April 2025, public.

⁷ Transcript of Hearing, 15 September 2025, pp. 26475-26478.

⁸ F03609, Thaçi Defence, *Thaçi Defence Notice pursuant to Rule 131*, 2 December 2025, public; F03611, Krasniqi Defence, *Krasniqi Defence Notice of the Closure of Its Case Pursuant to Rule 131*, 2 December 2025, public.

⁹ F03639, Trial Panel II, *Notice Regarding the Close of Evidentiary Proceedings*, 18 December 2025, public.

¹⁰ Transcript of Hearing, 18 February 2026, p. 29238, lines 23-24.

¹¹ F03730, Trial Panel II, *Order Extending the Deadline for the Pronouncement of the Trial Judgment*, 5 May 2026, public, para. 8.

¹² F03737, Trial Panel II, *Decision on Periodic Review of Detention of Kadri Veseli*, 15 May 2026, confidential.

12. On 23 June 2026, the Prosecution filed its latest submission pertaining to Mr Veseli's periodic detention review, in which it requests his continued detention.¹³
13. On 1 July 2026, the Panel extended for a second time the deadline for the pronouncement of the Judgment by 60 days, until **16 September 2026**, having determined that a further extension was "absolutely necessary" within the meaning of Rule 159(1).¹⁴

III. SUBMISSIONS

14. The Defence submits at the outset that: (a) the second extension of the deadline for the pronouncement of the Trial Judgment constitutes a material change in circumstances requiring a new assessment of Mr Veseli's continued detention; (b) following the closing of the case and the completion of the evidentiary proceedings, any alleged risk of obstruction of proceedings has invariably significantly diminished (noting that no concrete risk has been established evidentially); (c) Mr Veseli has consistently been found not to be a flight risk; (d) the Registry's most recent reports confirm his continued compliance with the modified conditions and identify no suspicious communications; (e) any remaining alleged risks under Article 41(6)(b) of the Law can effectively be mitigated through strict conditions of release; and (f) the period of almost six years in detention, together with the limited period of release being sought, weighs strongly in favour of granting Mr Veseli provisional release.

A. Material Change in Circumstances

15. The present application is brought against a significantly different procedural background from that considered in previous provisional release decisions.

¹³ F03751, Specialist Prosecutor, *Prosecution Submission pertaining to periodic detention review of Kadri Veseli*, 23 June 2026, confidential.

¹⁴ F03757, Trial Panel II, *Order Extending the Deadline for the Pronouncement of the Trial Judgment and Scheduling the Pronouncement of the Trial Judgment*, 01 July 2026, public, para. 11.

Unlike earlier applications, there are no remaining evidentiary proceedings. The case has been under deliberation for several months, and the period during which Mr Veseli will remain detained exclusively pending Judgment has now significantly increased. While initially anticipated that the Judgment would be rendered in mid-May 2026, it was recently announced that it will now not be until 16 September 2026. A period of deliberations of this length is unprecedented at the Specialist Chambers and constitutes a material change in circumstances.

16. Pursuant to Rule 57(2), the Trial Panel shall review a decision on detention on remand upon the expiry of two months from the last ruling on detention or at any time upon request by the Accused or the Specialist Prosecutor, or *propriu motu*, where a change in circumstances has occurred since the last review of detention. The Panel's second 60-day extension of the deadline for the pronouncement of the Trial Judgment constitutes a material change in circumstances and requires a fresh assessment of whether his continued detention remains necessary and proportionate.
17. The Defence takes no position at this point on the necessity of the extension itself, but rather, its implications for continued detention. The Trial Judgment now cannot be delivered within the previously anticipated timeframe, and substantially more time is required before any determination of guilt or innocence can be reached. This materially alters the balance between the interests relied upon to justify detention and Mr Veseli's fundamental right to liberty.¹⁵
18. This is the only instance before the Specialist Chambers in which the deadline for the pronouncement of the Judgment has been extended, not once but twice. While the reasoning provided for the extension was grounded in the size and complexity of the case, it equally necessitates renewed consideration of whether continued

¹⁵ See KSC-BC-2023-12/F00599, Single Trial Judge, *Public Redacted Version of Sixth Decision on Review of Detention of Isni Kilaj*, 3 December 2025, public, para. 47.

detention remains necessary and proportionate in these exceptional circumstances. Even where a decision to extend the date of the Judgment is justified, the conclusion that the Accused's detention also remains justified does not necessarily follow.

19. The Prosecution case is now closed, all live witnesses have been heard, and all applications for admission of evidence on paper have been determined. Any future reparations proceedings, if necessary, will be conducted solely on the basis of expert evidence and written submissions. At this stage, any opportunity to interfere with the proceedings is significantly lowered, and any remaining alleged risks can be adequately addressed by the imposition of appropriate conditions of release.
20. In the first Order extending the deadline for the pronouncement of the Judgment until 20 July 2026, the Panel held that “[i]n light of the circumstances of the case, the Panel is satisfied that a 60-day extension will not prejudice the Accused.”¹⁶ The present extension, however, fundamentally alters that assessment, and directly prejudices Mr Veseli's right to liberty under Article 5(1) and his right to trial within a reasonable time under Article 5(3) of the European convention on Human Rights (“ECHR”). Unlike the previous extension, Mr Veseli must now await the Trial Judgment for a further two months, resulting in a total period of approximately seven months between the close of trial and the delivery of the Judgment. By that time, he will have spent more than five years and ten months in pre-trial detention. The cumulative effect of these successive extensions constitutes a material change in circumstances that warrants renewed consideration of whether his continued detention remains necessary and proportionate.

¹⁶ F03730, Trial Panel II, *Order Extending the Deadline for the Pronouncement of the Trial Judgment*, 5 May 2026, public, para. 7.

21. The Defence further notes that international criminal tribunals have, in comparable procedural circumstances, reassessed the necessity of continued detention.¹⁷ A short, confined period of release in this case would not create any risks. Any alleged risks can be more than adequately managed by the imposition of conditions of release.¹⁸ Mr Veseli has already demonstrated his ability to comply with strict release conditions during three occasions on which he was granted release on compassionate grounds.¹⁹ His full compliance on each occasion provides further reassurance that any conditions imposed can be effectively enforced.

B. Risks under Article 41(6)(b) of the Law

22. The KSC Law recognises three specific risks that if substantiated to the requisite legal standard can justify a decision for the continued detention of a person: (i) risk of flight; (ii) the risk of obstructing the course of the criminal proceedings through intimidation or influencing witnesses, victims or accomplices; and (iii) risk of commission of further crimes.²⁰
23. Considering that the assessment of possible risks under Article 41(6)(b) of the Law does not require that any potential risk is eliminated altogether, the Panel retains discretion to assess the factors weighing for or against detention determine whether any identified risk can be adequately mitigated through appropriate conditions of release.²¹

¹⁷ ICTY, [Prosecutor v. Prlic et al](#), IT-04-74-T, Decision on Motion for Provisional Release of the Accused Milivoj Petkovic, 30 November 2011, paras. 32, 38; ICTY, [Prosecutor v. Prlic et al.](#), IT-04-74-T, Decision on Jadranko Prlic's Motion for Provisional Release, 24 November 2011, para. 32; ICC, *Prosecutor v. Ongwen*, [ICC-02/04-01/15-1733-Corr](#), Public Corrected version of Decision on the Defence Request for Immediate Release and the Communication Restrictions Applying to the Accused, 17 April 2020, para. 25.

¹⁸ ICTY, [Prosecutor v. Prlic et al](#), IT-04-74-T, Decision on Motion for Provisional Release of the Accused Milivoj Petkovic, 30 November 2011, para. 40; ICTY, [Prosecutor v. Prlic et al.](#), IT-04-74-T, Decision on Jadranko Prlic's Motion for Provisional Release, 24 November 2011, para. 40.

¹⁹ See para. 4 above.

²⁰ Article 41(6)(b) of the Law.

²¹ KSC-BC-2020-06/IA034/F00005, *Decision on Kadri Veseli's Appeal Against Decision on Request for Provisional Release*, 13 August 2025, confidential, para. 49.

i. Risk of Flight (Article 41(6)(b)(i))

24. The Panel has consistently found that Mr Veseli does not present a risk of flight and has recently confirmed that no additional factors have emerged to affect the previous finding regarding the risk of flight.²²

25. In these circumstances, the remaining question is whether the alleged risk to the proceedings or the commission of further crimes continue to require detention notwithstanding the completion of all proceedings, the Registry's consistently favourable reports, and the availability of stringent release conditions. The Defence respectfully submits that they do not.

ii. Risk of Obstruction of Proceedings (Article 41(6)(b)(ii))

26. The Prosecution argues without any evidential basis that, if released, Mr Veseli might seek to retaliate against persons who testified against him or otherwise attempt to procure recantations following the completion of the trial.²³ The Defence reiterates that no evidence has been adduced to substantiate these claims. These alleged risks remain no more than speculative. In order for a reasonable suspicion to be found to exist in fact, it must be grounded in evidence; that is not the case here. The Prosecution's submissions, are not supported by any alleged instance of misconduct by Mr Veseli.²⁴

27. As it was affirmed by the Appeals Panel, the risk of obstruction is liable to diminish with the passing of time.²⁵ Similarly, the ECtHR has recently recognised in *Gëllçi v Albania*, that although reasonable suspicion is an indispensable precondition for pre-trial detention, it ceases to be sufficient with the passage of time. It further held

²² F03737, Trial Panel II, *Decision on Periodic Review of Detention of Kadri Veseli*, 15 May 2026, confidential, para. 16.

²³ F03751, Specialist Prosecutor, *Prosecution Submission pertaining to periodic detention review of Kadri Veseli*, 23 June 2026, confidential, para. 13.

²⁴ See para. 33 below.

²⁵ KSC-BC-2020-06/IA034/F00005, *Decision on Kadri Veseli's Appeal Against Decision on Request for Provisional Release*, 13 August 2025, confidential, para. 35.

that reliance on abstract or unchanged risk, is insufficient.²⁶ These principles must be taken into account by the Panel. The Defence submits there was never, nor does there remain after the passage of a prolonged period of time, any reasonable ground to suspect Mr Veseli poses the risk alleged by the SPO.

28. Even if the Panel reaffirms its finding that there exists a potential risk, the Defence submits that such a finding does not preclude the grant of provisional release. In fact, *“even the existence of ‘serious risks’ may be outweighed in a particular case by an accused’s “fundamental right to liberty”*.²⁷

29. In light of the current stage of proceedings, the alleged risk of obstruction contemplated in Article 41(6)(b)(ii) has decreased far below the requisite standard of *“less than certainty but more than a mere possibility of the risk materializing”*, which would justify Mr Veseli’s continued detention.²⁸

30. In *Kilaj*, the Single Trial Judge held that, while the possibility of witnesses being retaliated against or otherwise improperly influenced could not be excluded, *“the opportunity for this risk to manifest is substantially lower”* following the near completion of the evidentiary phase and ordered release subject to strict conditions.²⁹ As the Appeals Panel has recognised, although the circumstances differ, the relevant decisions in the *Kilaj* case, *“indeed provide guidance with respect*

²⁶ ECtHR, *Gëllçi v. Albania*, no. 15468/23, Judgment, 25 February 2025, paras. 19, 23. See also ECtHR, *Letellier v. France*, Application no. 12369/86, Judgment, 26 June 1991, para. 51; *Smirnova v. Russia*, Applications nos. 46133/99 and 48183/99, 24 October 2003 (final), Judgment, paras 61-63; *Merabishvili v Georgia*, Application no. 72508/13, Judgment, 28 November 2017, paras. 222,224.

²⁷ See KSC-BC-2023-12, F00719, Single Trial Judge, *Public Redacted Version of Seventh Decision on Review of Detention of Bashkim Smakaj*, 3 February 2026, public, paras. 41, 52; F00720, Single Trial Judge, *Public Redacted Version of Seventh Decision on Review of Detention of Fadil Fazliu*, 3 February 2026, public, paras. 46, 57; KSC-BC-2023-12/F00599, Single Trial Judge, *Public Redacted Version of Sixth Decision on Review of Detention of Isni Kilaj*, 3 December 2025, public, para. 47.

²⁸ KSC-BC-2020-06/IA034/F00005, *Decision on Kadri Veseli’s Appeal Against Decision on Request for Provisional Release*, 13 August 2025, confidential, para. 31.

²⁹ KSC-BC-2023-12/F00599, Single Trial Judge, *Public Redacted Version of Sixth Decision on Review of Detention of Isni Kilaj*, 3 December 2025, public, para. 26.

to the proportionality of detention".³⁰ In *Haradinaj*, the Trial Chamber granted provisional release notwithstanding the Prosecution's reliance on the prevailing "atmosphere of fear for witnesses" in Kosovo, after the Prosecution case had closed and all Prosecution witnesses had testified.³¹ The Defence further notes that as far as is known no issues arose upon the Accused's release in either of these cases.

iii. *Risk of Committing Further Offences (Article 41(6)(b)(iii))*

31. The Panel has previously addressed that the same factors that were taken into account in relation to obstruction are also relevant to the analysis of the alleged risk of Mr Veseli committing further crimes.³²

32. Since the modified detention regime came into existence in December 2023, Mr Veseli has complied with the measures, and there have been no reports of him having acted in any manner capable of undermining the administration of justice or suggesting any intention to engage in such conduct.

33. The Registry's reports since the modified detention regime was imposed confirm Mr Veseli's [REDACTED], and the [REDACTED]. During the past four months, since the case closed, Mr Veseli has maintained authorised contact with family and other approved visitors [REDACTED]. [REDACTED].³³

34. The Defence submits that Mr Veseli's accumulated record of good conduct in this regard is a significant circumstance which undermines any suggestion that there is a risk he would commit further crimes and must be taken into account when considering whether to grant the present request. Mr Veseli's conduct throughout

³⁰ KSC-BC-2020-06/IA034/F00005, *Decision on Kadri Veseli's Appeal Against Decision on Request for Provisional Release*, 13 August 2025, confidential, para. 105.

³¹ *Prosecutor v Haradinaj et al.*, IT-04-84, [Decision on motion on behalf of Ramush Haradinaj for provisional release](#), 14 December 2007, para. 12

³² F03737, Trial Panel II, *Decision on Periodic Review of Detention of Kadri Veseli*, 15 May 2026, confidential, para. 28.

³³[REDACTED]; [REDACTED].

these proceedings strongly supports the conclusion that any remaining concerns can now be effectively managed through appropriately tailored measures.

C. Any Remaining Rule 41(6)(b) Risk Factors Can Be Adequately Addressed Through Conditions of Release

35. Even if the Panel concludes that risks under Article 41(6)(b) continue to exist, this does not preclude the grant of provisional release.³⁴ Such alleged risks may well exist while nevertheless being sufficiently mitigated through conditions imposed pursuant to Article 41(12). Accordingly, the decisive question is not whether some residual alleged risks remain, but whether continued detention remains the only measure capable of adequately addressing those risks.³⁵

36. Considering that Mr Veseli is not a flight risk, other remaining alleged risks can be addressed through strict release conditions. Rule 56(5) states that, when ordering a person to be released on an interim basis, “[t]he Panel may impose such conditions upon the release as deemed appropriate to ensure the presence of the detained person.”

iv. Kosovo Police Assurances

37. Recent jurisprudence of the Specialist Chambers concerning other Accused, demonstrates reliance on Kosovo Police to effectively implement and supervise conditions of release.³⁶

³⁴ See KSC-BC-2023-12, F00719, Single Trial Judge, *Public Redacted Version of Seventh Decision on Review of Detention of Bashkim Smakaj*, 3 February 2026, public, para. 52; F00720, Single Trial Judge, *Public Redacted Version of Seventh Decision on Review of Detention of Fadil Fazliu*, 3 February 2026, public, para. 57.

³⁵ F03737, Trial Panel II, *Decision on Periodic Review of Detention of Kadri Veseli*, 15 May 2026, confidential, paras. 31, 33

³⁶ See KSC-BC-2023-12, F00719, Single Trial Judge, *Public Redacted Version of Seventh Decision on Review of Detention of Bashkim Smakaj*, 3 February 2026, public, para. 58(j); F00720, Single Trial Judge, *Public Redacted Version of Seventh Decision on Review of Detention of Fadil Fazliu*, 3 February 2026, public, para. 63(k); KSC-BC-2023-12/F00599, Single Trial Judge, *Public Redacted Version of Sixth Decision on Review of Detention of Isni Kilaj*, 3 December 2025, public, para. 50(j); See also F03076/A01, Veseli Defence, *Annex A to Veseli Defence Request for Provisional Release*, 3 April 2025, confidential.

38. Mr Veseli remains willing to comply with any conditions imposed by the Panel, including [REDACTED]. Those measures, taken together, provide a less restrictive means of addressing any residual alleged risks than continued detention.

D. Personal Circumstances

39. As of today, Mr Veseli has spent approximately five years and eight months in detention. This prolonged period of detention for reasons inherent to the judicial process, is a factor that must necessarily carry increasing weight in the proportionality assessment.³⁷

40. This assessment should also take into account that, since January 2024, Mr. Veseli's contact with his family has been subject to a modified and restrictive visitation regime. His continued detention has imposed a considerable practical and emotional burden on Mr Veseli's family. The facilitation of family visits to the Netherlands has required considerable [REDACTED] and [REDACTED], particularly in respect of his [REDACTED], and [REDACTED]. The continued prolongation of Mr Veseli's detention entails a continuing interference with his right to respect for family life under Article 8 of the ECHR. While detention inevitably restricts the exercise of this right, the interference must be proportionate to the legitimate aim pursued.³⁸

41. The release sought is for a limited time only, pending the pronouncement of Judgment. If granted, such release would allow Mr Veseli to exercise his rights under Article 8.

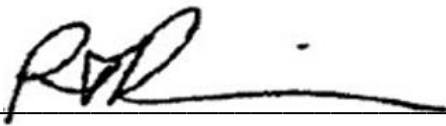
³⁷ F03176/COR2, Trial Panel II, *Further Corrected Version of Consolidated Decision on Krasniqi Defence Request for Provisional Release and on Periodic Review of Detention of Jakup Krasniqi*, 13 May 2025, confidential (a public redacted version was issued on the same day, F03176/COR2/RED), para. 67.

³⁸ ECtHR, *Khoroshenko v. Russia*, no. 41418/04, Judgment, 30 June 2015, paras.118-126; ECtHR, *Messina v. Italy (no.2)*, 28 December 2000, paras. 61, 65; ECtHR, *Vlasov v. Russia*, no. 78146/01, 12 September 2008, paras. 123-126.

IV. CONCLUSION

42. For the reasons set out above, the Defence respectfully submits that Mr Veseli's continued detention is no longer necessary or proportionate in light of the material change in circumstances arising from the second extension of the deadline for the pronouncement of the Judgment. Having repeatedly found that Mr Veseli does not present a flight risk and considering that any remaining alleged risks under Article 41(6)(b) of the Law have diminished with time and can be mitigated through appropriate conditions of release for a defined period of time, the requirements for continued detention are no longer satisfied.
43. Accordingly, the Defence requests that the Panel order Mr Veseli's provisional release pending the pronouncement of the Judgment, or for such shorter period as the Panel considers appropriate, subject to any conditions or measures deemed necessary and sufficient under Article 41(12) of the Law.

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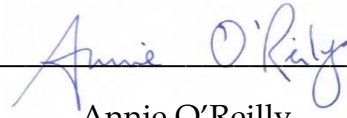


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