



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2020-06
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: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

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Public Redacted Version of 'Prosecution response to 'Veseli Defence Renewed Request for Provisional Release' (F03762) with confidential Annex 1'

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I. INTRODUCTION

1. Kadri Veseli ('Veseli')'s request for provisional release¹ should be rejected. It fails to present any argument which displaces the Panel's consistent and well-founded conclusion that Veseli continues to present an unacceptably high risk of obstructing proceedings and further offending, which cannot be adequately mitigated by conditions of provisional release. In all of the circumstances, Veseli's continued detention remains necessary and proportionate.

2. On 23 June 2026, the SPO filed submissions pertaining to the periodic review of Veseli, as directed by the Panel.² As that filing pre-empts many of the arguments made in favour of provisional release, this response should be should be read alongside it.

II. SUBMISSIONS

A. THERE CONTINUES TO EXIST A SUFFICIENTLY REAL POSSIBILITY THAT VESELI WILL OBSTRUCT PROCEEDINGS AND COMMIT FURTHER CRIMES UNLESS DETAINED

3. Contrary to the submission that the Request is 'brought against a significantly different procedural background from that considered in previous provisional release decisions',³ the Panel has issued three decisions confirming the appropriateness of Veseli's continued detention since the conclusion of evidentiary proceedings, including two since the closure of the case. In doing so the Panel has rejected the notion that 'any opportunity to interfere with the proceedings is now significantly lowered',⁴ and

¹ Veseli Defence Renewed Request for Provisional Release, KSC-BC-2020-06/F03762, 8 July 2026 ('Request').

² Prosecution submission pertaining to periodic detention review of Kadri Veseli, KSC-BC-2020-06/F03751, 23 June 2026 ('SPO Detention Submissions'); as directed by Decision on Periodic Review of Detention of Kadri Veseli, KSC-BC-2020-06/F03737, 15 May 2026 ('Twenty-sixth Detention Decision'), para.41(b).

³ Request, KSC-BC-2020-06/F03762, para.15.

⁴ Request, KSC-BC-2020-06/F03762, para.19; *c.f.* Twenty-sixth Detention Decision, KSC-BC-2020-06/F03737, paras 23-25, noting: (i) 'regardless of the current stage of this case, the Panel considers that the release of an

confirmed, following careful consideration of all relevant factors, that the risks of obstructing proceedings and further offending remain extant notwithstanding the closure of the case.⁵ In that context, the fact that different determinations have been made in the course of different trial proceedings is irrelevant.⁶

4. Contrary to the claim that the Panel's conclusion lacks foundation,⁷ the Panel has repeatedly stated that its conclusion as to Veseli's risk profile derives from several pertinent and individualised factors, including his position of influence, access to confidential information, his record of witness interference as head of the Kosovo Intelligence Service ('SHIK'), and the fact that he previously intervened in a matter specifically involving the KSC.⁸ Moreover, while in detention, and with the trial ongoing, Veseli violated the secrecy of proceedings, further demonstrating the substantial risk he presents. This final factor is especially pertinent, leading as it did to the Panel concluding the standard conditions of detention were insufficient to mitigate the risk of Veseli and

Accused with sensitive information in his possession would not be conducive to the effective protection of witnesses'; (ii) the records on which the decision to impose additional contact restrictions on Veseli were based 'further support the suggestion of a risk that Mr Veseli could divulge confidential information to unprivileged third parties'; and (iii) 'the closure of the case has heightened public scrutiny and ... at a minimum, a climate of witness intimidation still persists in Kosovo'.

⁵ Twenty-sixth Detention Decision, KSC-BC-2020-06/F03737, paras 23-30; *see generally* SPO Detention Submissions, KSC-BC-2020-06/F03751, paras 13-23. Albeit in the context of a co-Accused, the Court of Appeals has confirmed that it was within the discretion of the Panel to consider that the risk of obstruction continues to exist despite the closure of the SPO case, and indeed the case: Decision on Rexhep Selimi's Appeal Against Decision on Periodic Review of Detention, KSC-BC-2020-06/IA042/F00005, 28 May 2026 ('Selimi Detention Appeal'), paras 59-60.

⁶ *C.f.* Request, KSC-BC-2020-06/F03762, para.30. As the Panel has found in relation to Veseli's co-Accused, a risk assessment pursuant to Article 41(6)(b)(ii) is necessarily case-specific, and the Panel must conduct its assessment of risk in light of the specific features of Veseli's case: *see* Decision on Periodic Review of Detention of Rexhep Selimi, KSC-BC-2020-06/F03699, 16 March 2026, para.39.

⁷ Request, KSC-BC-2020-06/F03762, para.26.

⁸ Twenty-sixth Detention Decision, KSC-BC-2020-06/F03737, para.22. In any event, as the Panel has reiterated on multiple occasions, Article 41(6)(b) does not require a 'concrete example' of witness intimidation or harassment: *see* Twenty-sixth Detention Decision, KSC-BC-2020-06/F03737, para.21, *citing* Decision on Rexhep Selimi's Appeal Against Decision on Interim Release, KSC-BC-2020-06/IA003/F00005, 30 April 2021, para.59. *See also* Decision on Kadri Veseli's Appeal Against Decision on Request for Provisional Release, KSC-BC-2020-06/IA034/F00005, 13 August 2025 ('Veseli Appeal Decision'), para.36.

other Accused engaging in conduct that could interfere with proceedings and/or present a risk to the safety and security of witnesses, and imposing significant modifications to detention conditions.⁹ The fact that Veseli has since complied with those modified detention conditions¹⁰ does not mean his risk profile has reduced: refraining from prohibited conduct should be the norm.¹¹

5. Each of those factors is buttressed by an ongoing and pervasive climate of witness intimidation, which the Court of Appeals has recently confirmed remains a relevant contextual consideration.¹² Directly threatening words and actions targeted towards witnesses continue to take place, in what is an increasingly intense and hostile atmosphere.¹³ Indeed, hostile actors have increased organisational efforts in this specific period in anticipation of the trial judgment, which in turn heightens the already very high risk which Veseli would present if released.¹⁴

6. Finally, in citing the Court of Appeals' statement that the risk of obstruction will likely diminish with the passage of time,¹⁵ the Veseli Defence omitted the following,

⁹ Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi, KSC-BC-2020-06/F01977, 1 December 2023 ('Modification Decision'), paras 35-37, 41, 51-53, 55-60, 62-78, 84(b); *see also* certain limited adjustments in Decision Reviewing the Conditions of Detention Modified in F01977, KSC-BC-2020-06/F03308, 4 July 2025, paras 71-72, 91-92 ('Decision Reviewing Modification Decision'). The Appeals Panel has confirmed the salience of Veseli's actions in assessing his risk of obstructing proceedings: Veseli Appeal Decision, KSC-BC-2020-06/IA034/F00005, paras 36-37. In that regard, the decision in ECtHR, *Gëllci v. Albania*, no.15468/23, Judgment, 25 February 2025, is plainly distinguishable. In that case, it was submitted the applicant posed no risk of witness interference since the case against him was based exclusively on documents which had been seized by the prosecution; and the Government was only able to refer to the possibility (without any foundation) of interference with persons from whom witness statements had yet to be obtained: *see* paras 4, 23.

¹⁰ Request, KSC-BC-2020-06/F03762, paras 32-34.

¹¹ Decision on Jakup Krasniqi's Appeal Against Consolidated Decision on Request for Provisional Release and Review of Detention, KSC-BC-2020-06/IA035/F00005, 13 August 2025, para.27.

¹² *See* Twenty-sixth Detention Decision, KSC-BC-2020-06/F03737, para.25; and Selimi Detention Appeal, KSC-BC-2020-06/IA042/F00005, paras 58-59.

¹³ [REDACTED].

¹⁴ [REDACTED].

¹⁵ Request, KSC-BC-2020-06/F03762, para.27.

critical, qualification: ‘such risk may not always be reduced significantly, depending on the circumstances of the case.’¹⁶

7. For the reasons set out above, the Panel has consistently been correct in determining that in the circumstances of this case, such risks are not significantly reduced, but instead remain unacceptably high to warrant provisional release.

B. VESELI’S DETENTION REMAINS REASONABLE AND PROPORTIONATE

8. In claiming the Appeals Panel has recognised that ‘the relevant circumstances in the *Kilaj* case, “indeed provide guidance with respect to the proportionality of detention”’,¹⁷ the Veseli Defence has egregiously failed to acknowledge that the Appeals Panel added:¹⁸

However, the Panel considers that Veseli’s comparison of the present case with the facts of the *Kilaj* case and the Single Judge’s reasoning leading to Kilaj’s release is misplaced. As correctly found by the Trial Panel, the circumstances of Kilaj’s release are entirely distinguishable from Veseli’s situation.

9. The same conclusion is appropriate in relation to reliance on ICTY proceedings.¹⁹

10. Similarly, in assessing the ability of Kosovo Police to effectively implement and supervise conditions of release, the Court of Appeals’ approval of the Panel’s earlier

¹⁶ Veseli Appeal Decision, KSC-BC-2020-06/IA034/F00005, para.35. At para.34, the Appeals Panel confirmed that ‘nothing prevents a trial panel from relying on evidence that it previously relied upon, regardless of when that evidence was first presented, as long as it is persuaded that the evidence, at the time of the decision, remains sufficient to justify the finding in question’, and that there is no requirement to invoke new evidence demonstrating the risk of obstruction to justify continued detention.

¹⁷ Request, KSC-BC-2020-06/F03762, para.30.

¹⁸ Veseli Appeal Decision, KSC-BC-2020-06/IA034/F00005, para.105. *See also* Decision on Periodic Review of Detention of Jakup Krasniqi, KSC-BC-2020-06/F03698, 16 March 2026, para.61.

¹⁹ *See e.g.* Decision on Periodic Review of Detention of Jakup Krasniqi, KSC-BC-2020-06/F03698, 16 March 2026, para.48.

conclusion that the measures provided the Kosovo Police were insufficient is much more salient than any assessment made in Case 12 proceedings.²⁰

11. Finally, the scheduling of pronouncement of the Trial Judgment for 16 September 2026²¹ does not constitute a material change in circumstances requiring a reassessment of Veseli's continued detention or rendering it disproportionate. On the contrary, it confirms detention on remand shall only continue for a finite further period of two months, being what is strictly necessary for a case of this scope and complexity, and having regard to the gravity of the confirmed charges.²² Taking into account (i) the persistent climate of witness intimidation and interference, and heightened public scrutiny associated with the impending trial judgment, (ii) the sustained risks of Veseli obstructing proceedings and further offending, which have been addressed above, (iii) the inability of any measures alternative to detention to manage those risks,²³ and (iv) the specific circumstances of the case which the Panel has previously identified,²⁴ the now limited remaining time does not render Veseli's detention disproportionate.²⁵

²⁰ Veseli Appeal Decision, KSC-BC-2020-06/IA034/F00005, paras 63-70; *see generally* Twenty-sixth Detention Decision, KSC-BC-2020-06/F03737, paras 34-36. *C.f.* Request, KSC-BC-2020-06/F03762, para.37.

²¹ Order Extending the Deadline for the Pronouncement of the Trial Judgment and Scheduling the Pronouncement of the Trial Judgment, KSC-BC-2020-06/F03757, 1 July 2026 ('Order Scheduling Pronouncement of Trial Judgment'), paras 11, 14.

²² In this regard, Veseli's comparisons to deliberations times in other proceedings before the KSC are also inapposite.

²³ Twenty-sixth Detention Decision, KSC-BC-2020-06/F03737, paras 34-36.

²⁴ Twenty-sixth Detention Decision, KSC-BC-2020-06/F03737, paras 38-39.

²⁵ The SPO submits, in that regard, that the impact on Veseli's right to family life similarly does not render his detention disproportionate, in light of the special features of his case. In that regard, as the Request acknowledges, Veseli's access to his family continues to be facilitated while in detention: Request, KSC-BC-2020-06/F03762, para.33, *citing* [REDACTED].

III. CLASSIFICATION

12. This filing is submitted confidentially pursuant to Rule 82(4), and in order to protect SPO witnesses. A public redacted version will be filed.

IV. CONCLUSION

13. For the foregoing reasons, Veseli should remain detained.

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At The Hague, the Netherlands.