

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

Date: 14 July 2026

Language: English

Classification: Public

Public Redacted Version of Veseli Defence Reply to Prosecution Response F03763

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I. INTRODUCTION

1. The Defence for Mr Kadri Veseli (“Defence”) hereby provides its submissions in reply to the Prosecution Response¹ to the Veseli Defence Renewed Request for Provisional Release.²
2. The Defence respectfully submits that the Prosecution Response should be rejected. Rather than addressing the material change in circumstances identified by the Defence, the SPO largely repeats previous findings of the Panel and the Court of Appeals. Where it does introduce new submissions, it relies upon vague allegations concerning alleged “hostile actors”, unsupported by the material relied upon, and does not establish any relevant link to Mr Veseli or the risks under Article 41(6)(b) of the Law.³

II. SUBMISSIONS

A. Material Change in Circumstances

3. The SPO does not meaningfully address the Defence’s submission that the second extension alters the proportionality assessment. The issue is not that Mr Veseli will remain detained only for a “*finite further period of two months*”.⁴ Rather, the cumulative effect of successive extensions following almost six years of detention fundamentally changes the balance between the legitimate aim pursued by continued detention,⁵ and Mr Veseli’s right to liberty on remand, under Article 5(1) of the European convention on Human Rights (“ECHR”).

¹ F03763, Specialist Prosecutor, *Prosecution response to ‘Veseli Defence Renewed Request for Provisional Release’ (F03762) with confidential Annex 1*, 13 July 2027, confidential (“Prosecution Response”).

² F03762, Specialist Counsel, *Veseli Defence Renewed Request for Provisional Release*, confidential, 8 July 2025 (“Defence Request”).

³ Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”).

⁴ F03763, para.11.

⁵ F03762, para.40, fn.38.

B. The SPO's Allegations in [REDACTED]

4. The Prosecution argues that *“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”*, and that these [REDACTED] as seen in [REDACTED].⁶
5. Faced with the difficulty of sustaining the necessity of Mr Veseli's continued detention in light of the material change identified by the Defence, the Prosecution resorts to new allegations about alleged “hostile actors” which are strikingly vague and unsupported. Its reliance on undefined allegations appears to be deliberate. By failing to provide any specifications regarding: (i) what the “alleged organisational efforts” are, (ii) what qualifies as conduct said to render the individuals “hostile”, or (ii) how any of it translates into an increased risk attributable to Mr Veseli, the SPO invites the Panel to accept serious allegations without even attempting to substantiate them with evidence. The deliberate use of derogatory terminology is not a substitute for evidence establishing the risks included in Article 41(6)(b) of the Law.⁷
6. The timing of the SPO's reliance on the [REDACTED] is also difficult to reconcile with its submissions. The material has existed since [REDACTED], yet the SPO has not previously relied upon it to support the necessity of Mr Veseli's continued detention.
7. [REDACTED] does not support the SPO's assertions. Once again, the SPO fails to explain what the [REDACTED] “hostile actors” engaging in “organisational efforts”. According to contemporaneous news reporting, the [REDACTED].⁸

⁶ F03763, para.5, fn.14. See also F03763/A01.

⁷ Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (“Law”).

⁸ See [REDACTED].

8. Even accepting that certain [REDACTED], the SPO does not explain how [REDACTED] it translates into an increased risk that Mr Veseli himself would obstruct proceedings if released. The necessary link between the conduct relied upon and the individualised assessment required under Article 41(6)(b) is absent. The speculative conclusions advanced by the SPO extend far beyond what [REDACTED] is capable of establishing, and they are unable to provide a proper basis upon which to justify Mr Veseli's continued detention. The Panel should respectfully attach no weight to such submissions.

C. The SPO's Mischaracterisations

9. The SPO's criticism of the Defence's reliance on *Kilaj* is misplaced.⁹ The Defence expressly acknowledged that the circumstances in *Kilaj* differ from those of the present case and relied upon it insofar as it provides guidance regarding the assessment of proportionality at an advance stage of the proceedings.¹⁰
10. The SPO further addressed the Defence's reliance on the Appeals Panel's finding that the risk of obstruction is liable to diminish with the passing of time.¹¹ The Defence does not contest the Appeals Panel's assertion that the risk of obstruction may not always diminish significantly depending on the circumstances of the case. On the contrary, the Defence application is based precisely on the proposition that the second extension of the deadline for the pronouncement of the Judgment constitutes a material change that requires the Panel to reassess whether those risks have diminished and whether they still justify continued detention.

⁹ F03763, para.8.

¹⁰ F03762, para.30.

¹¹ F03763, para.6.

D. Assessment of Kosovo Police

11. The SPO submits that the Panel's earlier assessment of the abilities of the Kosovo Police, later approved by the Court of Appeals, is "more salient" than subsequent findings made by another Panel.¹² However, it does not explain why the Panel should disregard more recent jurisprudence of the Specialist Chambers, that relies on Kosovo Police to effectively implement and supervise conditions of release. Recent jurisprudence is inarguably relevant to demonstrate that the Specialist Chambers' assessment of the Kosovo Police has evolved and has subsequently been recognised. No valid reason is provided - nor could be provided - for eliding these cases.

E. Reliance on Material Unavailable to the Defence

12. The SPO further seeks to substantiate its arguments concerning an alleged ongoing climate of witness intimidation by relying on material that is not accessible to the Defence.¹³ The Defence cannot be expected to meaningfully respond to allegations founded on material that it is unable to access and review, particularly where the Defence does not even have a generalised summary of that material. For the Panel to rely on an *ex parte* submission in a determination of Mr Veseli's liberty is unfair.¹⁴

III. CONCLUSION

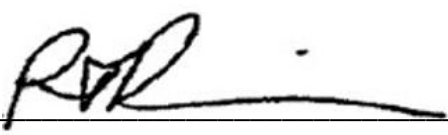
13. For the foregoing reasons, the Prosecution Response fails to undermine the Defence's request. Accordingly, the arguments in the Prosecution Response should be rejected and the relief sought in the Defence Request be granted.

¹² F03763, para.10.

¹³ F03763, para.5, fn.13.

¹⁴ While this material was relied upon in previous detention review decisions, in response to which the Defence made no submissions, it nonetheless remains fundamentally unfair for the Panel to rely on material unavailable to the Defence and for the SPO to [REDACTED], such as that "[d]irectly threatening words and actions targeted towards witnesses continue to take place". See also Appeals Chamber, KSC-BC-2020-06/IA042/F00005, *Decision on Rexhep Selimi's Appeal Against Decision on Periodic Review of Detention*, 28 May 2026, para. 32.

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Rodney Dixon KC

Lead Counsel for Kadri Veseli

Tuesday 14 July 2026,

London, United Kingdom

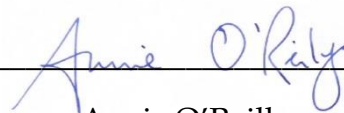
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Kerrie Ann Rowan

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A handwritten signature in blue ink, appearing to read 'Annie O'Reilly', is written over a horizontal line.

Annie O'Reilly

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