



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 submission pertaining to periodic detention review of Hashim Thaçi'

Specialist Prosecutor's Office

Kimberly P. West

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Luka Mišetić

Counsel for Kadri Veseli

Rodney Dixon

Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagendra

I. INTRODUCTION

1. Pursuant to Article 41 of the Law¹ and Rule 57 of the Rules,² the Specialist Prosecutor's Office ('SPO') makes the following submissions in support of the need for the continued detention of the Accused Hashim Thaçi ('Thaçi'). The Pre-Trial Judge, the Court of Appeals, and this Panel have repeatedly held that Thaçi's detention is justified on multiple bases, that no conditions short of detention in the Kosovo Specialist Chambers' ('KSC') detention facilities would be sufficient to mitigate the risks, and that the detention period—taking all relevant circumstances into account—is reasonable. Since the most recent determination of this Panel on 10 June 2026,³ there has been no change in circumstances that merits deviating from that determination. To the contrary, the continued progression of trial and related developments, including Thaçi's recent conduct, reinforce the necessity and reasonableness of detention.

II. PROCEDURAL HISTORY

2. The relevant procedural history regarding Thaçi's detention is referenced in the Panel's most recent detention decision.⁴

3. On 3 April 2023, the trial commenced.⁵

4. On 15 April 2025, the SPO filed its notice of the closing of its case pursuant to Rule 129.⁶

¹ Law no.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). Unless otherwise indicated, all references to 'Article(s)' are to the Law.

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

³ Decision on Periodic Review of Detention of Hashim Thaçi, KSC-BC-2020-06/F03747, 10 June 2026 ('Twenty-seventh Detention Decision').

⁴ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, paras 1-2.

⁵ Transcript (Opening Statements), 3 April 2023.

⁶ Prosecution notice pursuant to Rule 129, KSC-BC-2020-06/F03121, 15 April 2025.

5. On 12 June 2025, the Defence filed a Joint Defence Motion pursuant to Rule 130.⁷ On 7 July 2025, the SPO filed its response.⁸ On 16 July 2025, the Trial Panel issued an oral decision dismissing the Defence's Rule 130 motion.⁹ Victims' Counsel witnesses were heard on 16-17 July 2025.

6. The Defence cases commenced on 15 September 2025,¹⁰ and closed on 2 December 2025.¹¹ On 19 December 2025, the Panel closed the evidentiary proceedings.¹² The Parties' closing statements and responses were heard between 9-18 February 2026. On 18 February 2026, the Panel declared the case closed.¹³

7. Pronouncement of the Trial Judgment is scheduled for 16 September 2026.¹⁴ On 5 May 2026, the Panel issued an order extending the deadline for the pronouncement of the Trial Judgment to 20 July 2026, noting that should a further extension be absolutely necessary, an order to that effect would be issued in due course.¹⁵ On 1 July 2026, the Panel issued an order extending the deadline for the pronouncement of the Trial Judgment to 16 September 2026, in order to ensure it can undertake a full and fair assessment of the evidence and provide a duly reasoned opinion that accounts for the substantial volume of evidence and the complexity of the proceedings.¹⁶

⁷ Joint Defence Motion Pursuant to Rule 130, KSC-BC-2020-06/F03256, 12 June 2025.

⁸ Prosecution Response to Rule 130 Request, KSC-BC-2020-06/F03314, 7 July 2025.

⁹ Transcript, 16 July 2025, pp.26190-26195.

¹⁰ Transcript, 15 September 2025, pp.26475-26478.

¹¹ Thaçi Defence Notice pursuant to Rule 131, KSC-BC-2020-06/F03609, 2 December 2025; Krasniqi Defence Notice of the Closure of Its Case Pursuant to Rule 131, KSC-BC-2020-06/F03611, 2 December 2025.

¹² Notice Regarding the Close of Evidentiary Proceedings, KSC-BC-2020-06/F03639, 18 December 2025.

¹³ Transcript, 18 February 2026, p.29238.

¹⁴ 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.

¹⁵ Order Extending the Deadline for the Pronouncement of the Trial Judgment, KSC-BC-2020-06/F03730, 5 May 2026, paras 8-9.

¹⁶ Order Scheduling Pronouncement of Trial Judgment, KSC-BC-2020-06/F03757, para.9.

III. SUBMISSIONS

8. The relevant applicable law is set out in Article 41, and Rules 56 and 57, and has been laid out in earlier decisions.¹⁷

9. Since the most recent decision, there have been no developments that diminish the factors supporting the need for and reasonableness of detention.

A. GROUNDED SUSPICION

10. Article 41(6)(a) requires a grounded suspicion that the detained person has committed a crime within the jurisdiction of the KSC.¹⁸ There remains a grounded suspicion that Thaçi has done so.¹⁹ The Confirmation Decision determined that there is a suspicion that Thaçi is liable for crimes against humanity and war crimes as identified in Articles 13, 14, and 16,²⁰ to a standard that exceeds the ‘grounded suspicion’ required for detention.²¹ The Pre-Trial Judge later also confirmed amendments to the Indictment that added further, similar charges against Thaçi.²² Nothing has occurred since the confirmation decisions that would detract from this determination. Indeed, the Panel has

¹⁷ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.6.

¹⁸ See Article 41(6)(a); Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.9.

¹⁹ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, paras 11-12.

²⁰ Public Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, KSC-BC-2020-06/F00026/RED, 26 October 2020 (‘Confirmation Decision’), para.521(a).

²¹ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.11.

²² Public Redacted Version of Decision on the Confirmation of Amendments to the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, KSC-BC-2020-06/F00777/RED, 22 April 2022, para.185; *see also* Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.11.

repeatedly confirmed that there remains a well-grounded suspicion that Thaçi has committed crimes within the KSC's jurisdiction.²³

B. DETENTION IS JUSTIFIED UNDER ALL ARTICLE 41(6)(B) FACTORS

11. The Court of Appeals has been clear that, once a grounded suspicion under Article 41(6)(a) is identified, an articulable basis of a single ground under Article 41(6)(b) is sufficient to support detention.²⁴ The three grounds under Article 41(6)(b) justifying detention are risk of: (i) flight; (ii) obstruction; and (iii) additional crimes.²⁵ The applicable standard is articulable grounds that support a 'belief' that there is a risk of one of the Article 41(6)(b) grounds occurring.²⁶ The 'belief' test denotes 'an acceptance of the possibility, not the inevitability, of a future occurrence'.²⁷ In other words, the standard to be applied is less than certainty, but more than a mere possibility of a risk materialising.²⁸ The Panel has noted that 'articulable' in this context means specified in detail by reference to the relevant information or evidence.²⁹ In considering whether an accused should be detained or released, the relevant panel must consider whether measures other than detention would sufficiently reduce the risk of the Article 41(6)(b) factors occurring.³⁰

²³ See e.g. Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.12.

²⁴ See *Specialist Prosecutor v. Gucati and Haradinaj*, Consolidated Decision on Nasim Haradinaj's Appeals Against Decisions on Review of Detention, KSC-BC-2020-07/IA007/F00004, 6 April 2022, para.49.

²⁵ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.13.

²⁶ Decision on Hashim Thaçi's Appeal Against Decision on Interim Release, KSC-BC-2020-06/IA004/F00005, 30 April 2021 ('First Appeals Decision'), para.19.

²⁷ First Appeals Decision, KSC-BC-2020-06/IA004/F00005, paras 14, 21.

²⁸ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.13; First Appeals Decision, KSC-BC-2020-06/IA004/F00005, para.22; *Specialist Prosecutor v. Gucati and Haradinaj*, Public Redacted Version of Decision on Review of Detention of Nasim Haradinaj, KSC-BC-2020-07/F00507/RED, 21 December 2021 ('Haradinaj Decision'), para.28.

²⁹ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.13 *citing* Article 19.1.31 of the Kosovo Criminal Procedure Code 2012, Law No. 08/L-032 defining 'articulable' as: 'the party offering the information or evidence must specify in detail the information or evidence being relied upon'.

³⁰ 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 the Law no. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, KSC-CC-PR-2017-1/F00004, 26 April 2017, para.14.

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

12. Thaçi is aware of the serious confirmed charges against him, the possible lengthy prison sentence that may result therefrom, and now has full knowledge of the evidence in relation to those crimes. The possible imposition of a lengthy sentence has become more concrete with the closure of the case and ongoing deliberations. In addition, Thaçi's trial on charges concerning his attempts to obstruct proceedings in this case is progressing expeditiously.³¹ All of the above must be taken into consideration in relation to prior findings concerning Thaçi's means to travel. The SPO maintains that the combination of these factors elevates Thaçi's risk of flight to a sufficiently real possibility.

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

13. Thaçi continues to present an extremely high risk of obstructing proceedings. In confirming that risk remains extant,³² this Panel reiterated that Thaçi has (i) the interest and ability to interfere with the proceedings; (ii) attempted to undermine the KSC and offered benefits to persons summoned by the SPO; (iii) a position of influence in Kosovo which could allow him to elicit the support of sympathisers; and (iv) increased knowledge of the evidence underpinning the serious charges against him.³³

14. The closure of the case does not obviate this risk,³⁴ as Thaçi now has knowledge of the full scope of the case against him, and witnesses remain at risk of obstruction even

³¹ *Specialist Prosecutor v. Thaçi et al*, Decision on the Confirmation of the Indictment, KSC-BC-2023-12/F00036, 29 November 2024, Confidential ('Case 12 Confirmation Decision'); *Specialist Prosecutor v. Thaçi et al*, Annex 1 to Submission of public redacted version of Confirmed Indictment, KSC-BC-2023-12/F00055/A01 ('Case 12 Confirmed Indictment'). See also *Specialist Prosecutor v. Thaçi et al.*, Second Order on the Further Conduct of Proceedings, KSC-BC-2023-12/F00950, 8 July 2026 ('Case 12 Second Order on the Further Conduct of Proceedings'), para.6.

³² Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.24.

³³ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.20.

³⁴ *Specialist Prosecutor v. Shala*, Decision on the Seventeenth Review of Detention of Pjetër Shala, KSC-BC-2020-04/F00838, 17 May 2024, paras 23-25; Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, paras 21-23.

after their testimony.³⁵ As the Panel has noted, the risk of interference includes any attempt to retaliate against or incentivise recantation by any witnesses who have testified in proceedings.³⁶

15. The Panel has previously noted that the disclosure of highly sensitive information to the Thaçi Defence necessarily results in it becoming known to a broader range of persons, including the Accused.³⁷ This amplifies the risk of sensitive information pertaining to witnesses becoming known to members of the public,³⁸ which, in the context of the release of an Accused, would not be conducive to the effective protection of witnesses.³⁹

³⁵ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, paras 21-23. In this regard, taking harmful action against a person ‘with the intent to retaliate for providing truthful information relating to the commission or possible commission of any criminal offense to police, an authorized investigator, a prosecutor or a judge’ is a punishable offence under Article 15(2) of the Law, as read with Article 388 of the 2019 Kosovo Criminal Code (renumbered from Article 396 of the 2012 Kosovo Criminal Code). For examples of such conduct from international courts, at the Special Court for Sierra Leone, five witnesses were subject to unlawful interference from a purported representative of the defence team, after the parties closed their cases and prior to delivery of a trial judgment, to induce them to recant their testimony against Charles Taylor. See SCSL, *Independent Counsel v. Eric Koi Senessie*, SCSL-2011-01-T, Judgment in Contempt Proceedings, 16 August 2012. Similarly, and over a sustained period between 2015-2018 following a final appeal judgment against Mr Augustin Ngirabatware, the accused and a group of his associates engaged in a highly organised scheme intended to manipulate and improperly influence five witnesses heard by the International Criminal Tribunal for Rwanda with the end goal of procuring recantations of their prior testimony. See IRMCT, *Prosecutor v. Nzabonimpa et al.*, MICT-18-116-T, Judgment, 25 June 2021. Similarly, in the SCSL case of *Bangura et al.*, two convicted persons and two of their associates engaged in an initiative to procure the recantation of witness testimony by way of a monetary bribe, with the aim of providing an avenue to seek review. See SCSL, *Independent Counsel v. Bangura et al.*, SCSL-2011-02-T, Judgment in Contempt Proceedings, 25 September 2012. In a recent IRMCT review proceeding, the Appeals Chamber found that financial transactions of Witness HH raised concerns as to the integrity of his purported recantation, such that Mr Ntakirutimana’s original convictions were maintained. See IRMCT, *Prosecutor v. Ntakirutimana*, MICT-12-17-R, Review Judgment, 22 November 2024, paras 57, 62.

³⁶ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.21.

³⁷ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.21.

³⁸ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.21.

³⁹ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.22. The Court of Appeals recently confirmed that this is a relevant factor in assessing the risk of obstruction, and that the process of disclosure provides an increased ability to obstruct proceedings: see Decision on Rexhep Selimi’s Appeal Against Decision on Periodic Review of Detention, KSC-BC-2020-06/IA042/F00005, 28 May 2026 (‘Sixth Selimi Appeal Decision’), para.53.

16. Indeed, this risk has already been realised, resulting in parallel proceedings against Thaçi.⁴⁰ Thaçi violated the Trial Panel's orders by, *inter alia*, providing visitors with information elicited during the testimony of protected witnesses, and passing instructions intended for future SPO witnesses regarding the form and content of their upcoming testimony.⁴¹ His actions led the Panel to conclude that the standard conditions of detention were insufficient to mitigate the risk of Thaçi and other Accused engaging in conduct that could interfere with the proceedings and/or present a risk to the safety and security of witnesses.⁴² To address these risks, the Panel ordered significant modifications to detention conditions.⁴³ Thaçi has repeatedly not complied with the modified detention conditions,⁴⁴ resulting in the Panel recently issuing a reminder to Thaçi of his obligation to comply with the modified detention conditions, and warning that should he continue to violate those conditions, the Panel will consider stricter measures to ensure compliance.⁴⁵ Such conduct reinforces the Panel's finding that Thaçi's release would produce an unacceptably high risk of obstruction with the progress of KSC proceedings.⁴⁶

⁴⁰ Case 12 Second Order on the Further Conduct of Proceedings, KSC-BC-2023-12/F00950; Case 12 Confirmation Decision, KSC-BC-2023-12/F00036, paras 210, 228, 235, 249-250, 313(a).

⁴¹ See Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.22.

⁴² 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'), para.41.

⁴³ See Modification Decision, KSC-BC-2020-06/F01977, paras 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').

⁴⁴ Public Redacted Version of Order to the Thaçi Defence Regarding Compliance with the Modified Detention Conditions, KSC-BC-2020-06/F03755/RED, 1 July 2026 ('Order to Thaçi Defence Regarding Compliance with the Modified Detention Conditions'), paras 10-12; see also Decision on Selimi Defence Request for Recission of Contact Restrictions, KSC-BC-2020-06/F03708, 19 March 2026, Confidential, para.44.

⁴⁵ Order to Thaçi Defence Regarding Compliance with the Modified Detention Conditions, KSC-BC-2020-06/F03755/RED, para.13.

⁴⁶ See Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.22.

17. Additionally, the Court of Appeals recently confirmed that the persistent climate of intimidation of witnesses and interference with criminal proceedings against former KLA members in Kosovo is a relevant ‘contextual consideration’.⁴⁷ This climate of intimidation is so pervasive that protective measures alone cannot overcome it.⁴⁸ Similar findings were made in the *Mustafa* Trial Judgment⁴⁹ and the *Gucati and Haradinaj* Appeal Judgment.⁵⁰ The Trial Panel in *Gucati and Haradinaj* considered that ‘witness protection has continued to be a live and critical issue in Kosovo’,⁵¹ and credited the testimony of defence expert Robert Reid, who remarked that, in over 20 years in the field, he had never seen witness intimidation on the level that exists in Kosovo.⁵²

18. This climate of witness intimidation continues to persist, including well after testimony.⁵³ The closure of the case and impending trial judgment has heightened public scrutiny of the case. Witnesses continue to be the subject of directly threatening words and conduct, contributing to an increasingly intense and hostile atmosphere, which risks endangering the privacy, wellbeing and security of witnesses.⁵⁴ Indeed, hostile actors have redoubled organisational efforts in this specific period in anticipation of the trial

⁴⁷ Sixth Selimi Appeal Decision, KSC-BC-2020-06/IA042/F00005, paras 58-59. *See also* First Appeals Decision, KSC-BC-2020-06/IA004/F00005, paras 76-77.

⁴⁸ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.23.

⁴⁹ *Specialist Prosecutor v. Mustafa*, Further Redacted Version of Corrected Version of Public Redacted Version of Trial Judgment, KSC-BC-2020-05/F00494/RED3/COR, 16 December 2022, para.57.

⁵⁰ *Specialist Prosecutor v. Guçati and Haradinaj*, Appeal Judgment, KSC-CA-2022-01/F00114, 2 February 2023, para.438 (*quoting* KSC-BC-2020-07, Transcript, 18 May 2022, pp.3858-3859).

⁵¹ *Specialist Prosecutor v. Guçati and Haradinaj*, Public Redacted Version of the Trial Judgment, KSC-BC-2020-07/F00611/RED, 18 May 2022 (‘Case 7 Judgment’), para.579.

⁵² Case 7 Judgment, KSC-BC-2020-07/F00611/RED, para.577.

⁵³ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.23. *See also* [REDACTED]; Sixth Selimi Appeal Decision, KSC-BC-2020-06/IA042/F00005, paras 30, 58-59; *Specialist Prosecutor v. Shala*, Public redacted version of Trial Judgment and Sentence, KSC-BC-2020-04/F00847/RED, 16 July 2024, paras 96-97; Prosecution submission pertaining to periodic detention review of Kadri Veseli, KSC-BC-2020-06/F03415, 26 August 2025, fn.44.

⁵⁴ [REDACTED]; Sixth Selimi Appeal Decision, KSC-BC-2020-06/IA042/F00005, paras 30, 58-59; Prosecution response to ‘Selimi Defence Request for Rescission of Contact Restrictions’ (F03671), KSC-BC-2020-06/F03675, 11 February 2026, para.13.

judgment, which in turn heightens the already very high risk which Thaçi would present if released. That suspects indicted for obstructing KSC proceedings continue to publicly justify their conduct further illustrates this climate.⁵⁵

19. All of the above demonstrates that the risk of obstruction not only remains well-founded, but that Thaçi presents such an extraordinarily heightened risk of obstructing KSC proceedings that even the standard communications restrictions and monitoring of the Detention Centre are insufficient to mitigate it. Thaçi has actively engaged in unlawful conduct that is detrimental to the safety, security and wellbeing of witnesses, and directly prejudicial to the integrity of proceedings.

iii. Risk of Criminal Offences (Article 41(6)(b)(iii))

20. Thaçi continues to present a risk of committing further crimes, consistent with this Panel's recent conclusions.⁵⁶

21. In the most recent detention decision, the Panel recalled its previous finding that the risk of Thaçi committing further crimes continues to exist, opined that the same factors that were taken into account in relation to the risk of obstruction are relevant to the analysis of the risk of committing further crimes, and concluded that no new circumstances have arisen since the last detention review that would justify a different finding.⁵⁷ The Panel highlighted that the closing of the case does not alter this

⁵⁵ See [REDACTED].

⁵⁶ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, paras 26-27.

⁵⁷ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.26.

conclusion.⁵⁸ Indeed, Thaçi's ongoing disregard for KSC laws and rules, as demonstrated by his repeated violation of detention conditions, exacerbates these risks.

22. Moreover, the crimes against humanity and war crimes that Thaçi is charged with are extremely serious and are alleged to have been committed in cooperation with others, as described in the Prosecution Final Trial Brief.⁵⁹

23. Finally, this Panel's previous conclusion that the continuing disclosure of sensitive information presents an unacceptable risk of further crimes applies even more forcefully given Thaçi's charged obstructive conduct. That Thaçi now has specific insight into the overall case and evidence against him furthers the risk that he may commit additional crimes, including against witnesses who have provided evidence in this case.⁶⁰

C. NO MODALITIES OF CONDITIONAL RELEASE ARE ABLE TO SUFFICIENTLY MITIGATE THE RISKS

24. The relevant risks can only be effectively managed at the KSC's detention facilities, as recently reaffirmed by this Panel.⁶¹

25. The Panel reiterated that none of the formerly proposed conditions, nor any additional measures foreseen in Article 41(12), could sufficiently mitigate the existing risks of obstructing the progress of KSC proceedings and committing further crimes.⁶²

26. Further, the Panel found that the measures in place at the KSC detention facilities, viewed as a whole, provide robust assurances against unmonitored visits and

⁵⁸ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.26.

⁵⁹ Prosecution Final Trial Brief with Confidential Annexes 1-2, KSC-BC-2020-06/F03667, 19 January 2026.

⁶⁰ See e.g. *Decision on the Twelfth Review of Detention of Pjetër Shala*, KSC-BC-2020-04/F00596, 20 July 2023, para.25.

⁶¹ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.33.

⁶² Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.31.

communications with family members and pre-approved visitors with a view to minimising the risks of obstruction and commission of further crimes.⁶³ Moreover, they offer a controlled environment where a potential breach of confidentiality could be more easily identified and/or prevented.⁶⁴

27. The Panel has consistently concluded that it is only through the communication monitoring framework applicable at the KSC detention facilities that Thaçi's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.⁶⁵

28. Nothing has occurred since the previous determination warranting a different assessment on conditions, either generally or for a discrete period of time. To the contrary, Thaçi presents such extraordinarily heightened risks that even the standard communications restrictions and monitoring of the Detention Centre are insufficient to mitigate them, necessitating the imposition of an even more strict regime by this Panel.⁶⁶

D. DETENTION REMAINS PROPORTIONAL

29. Detention remains proportional. At the last detention review, this Panel found that Thaçi's detention for a further two months was necessary and reasonable in the specific circumstances of the case.⁶⁷

30. The Panel recalled that the reasonableness of an accused's continued detention must be assessed on the facts of each case and according to its special features, which, in this case, include: (i) Thaçi's influence and authority; (ii) his knowledge of the charges and the

⁶³ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.31.

⁶⁴ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.31.

⁶⁵ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.32.

⁶⁶ Modification Decision, KSC-BC-2020-06/F01977; Decision Reviewing Modification Decision, KSC-BC-2020-06/F03308.

⁶⁷ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.36.

evidence against him, and a possibly lengthy prison sentence; (iii) the risk that Thaçi would obstruct KSC proceedings; (iv) the risk of committing, instigating, or assisting further crimes; (v) the fact that restrictive measures on release are not sufficient to mitigate those risks; and (vi) the gravity and the complexity of the charges against Thaçi.⁶⁸

31. Here, taking these same, and additional, factors into consideration, Thaçi's detention continues to be necessary and reasonable. That is especially so in light of Thaçi's recent conduct, the persistent climate of witness intimidation and interference, and heightened public scrutiny associated with the closure of the case and impending trial judgment, now scheduled for 16 September 2026.

IV. CLASSIFICATION

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

V. CONCLUSION

33. For the foregoing reasons, Thaçi should remain detained.

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Kimberly P. West

Specialist Prosecutor

Friday, 17 July 2025

At The Hague, the Netherlands.

⁶⁸ Twenty-seventh Detention Decision, KSC-BC-2020-06/F03747, para.35.