



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 28 July 2026

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**Public Redacted Version of Decision on Periodic Review of Detention of Rexhep
Selimi**

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TRIAL PANEL II ("Panel"), pursuant to Articles 41(6), (10) and (12) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 56(2) and 57(2) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. The procedural background concerning the periodic review of the detention of Rexhep Selimi ("Mr Selimi" or "Accused") has been set out extensively in previous decisions concerning the same issue. Relevant events since the twenty-fifth review of Mr Selimi's detention on 16 March 2026 ("Twenty-Fifth Detention Decision") include those set out below.¹

2. On 19 March 2026, following a request by the Defence for Mr Selimi ("Selimi Defence"),² the Panel issued a decision: (i) rejecting the request for rescission of the contact restrictions; (ii) amending the number of authorised non-privileged in-person visits to six visits per month; and (iii) approving certain changes to the implementation of the remaining modified detention conditions.³

3. On 26 March 2026, the Selimi Defence filed an interlocutory appeal against the Twenty-Fifth Detention Decision ("Interlocutory Appeal").⁴

¹ F03699, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi*, 16 March 2026, confidential (a public redacted version was filed on 17 April 2026, F03699/RED).

² F03671, Specialist Counsel, *Selimi Defence Request for Rescission of Contract Restrictions*, 30 January 2026, confidential (a public redacted version was filed on 26 March 2026, F03671/RED).

³ F03708, Panel, *Decision on Selimi Defence Request for Rescission of Contact Restrictions* ("Decision on Rescission of Contract Restrictions"), 19 March 2026, confidential (a public redacted version was filed on 17 April 2026, F03708/RED).

⁴ IA042/F00001, Specialist Counsel, *Selimi Defence Appeal against Decision on Periodic Review of Detention of Rexhep Selimi (F03699)*, 26 March 2026, strictly confidential (a public redacted version was filed on 8 June 2026, IA042/F00001/RED).

4. On 16 April 2026, following an enquiry by the Panel,⁵ the Selimi Defence indicated that Mr Selimi waived his right to a bi-monthly detention review until the Court of Appeals Panel issued a decision on the Interlocutory Appeal (“Notification of Waiver of Detention Review”).⁶
5. On 23 April 2026, the Specialist Prosecutor’s Office (“SPO”) filed its submissions on the continued detention of Mr Selimi (“SPO Submissions”).⁷
6. On 28 May 2026, the Court of Appeals Panel issued a decision on the Interlocutory Appeal against the Twenty-Fifth Detention Decision, dismissing the request in its entirety (“Appeals Decision on the Twenty-Fifth Detention Decision”).⁸
7. On 1 July 2026, the Panel issued an order extending the deadline for the pronouncement of the Trial Judgment and setting the hearing for the pronouncement of the Trial Judgment on Wednesday, 16 September 2026.⁹
8. On 3 July 2026, pursuant to an order by the Panel,¹⁰ the SPO filed further submissions on the continued detention of Mr Selimi, supplementing the SPO Submissions (“SPO Further Submissions”).¹¹

⁵ CRSPD977, Panel, *Email from Trial Panel II to Selimi Defence Regarding Review of Detention*, 13 April 2026, confidential.

⁶ F03720, Specialist Counsel, *Selimi Defence Notification of Waiver of Detention Review*, 16 April 2026, strictly confidential, para. 1, with Annex 1, strictly confidential.

⁷ F03725, Specialist Prosecutor, *Prosecution Submissions Pertaining to Periodic Detention Review of Rexhep Selimi*, 23 April 2026.

⁸ IA042/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi’s Appeal Against Decision on Periodic Review of Detention*, 28 May 2026, confidential (a public redacted version was issued on the same day, IA042/F00005/RED).

⁹ F03757, Panel, *Order Extending the Deadline for the Pronouncement of the Trial Judgment and Scheduling the Pronouncement of the Trial Judgment*, 1 July 2026, paras 11, 14, 15(a)-(b).

¹⁰ F03742, Panel, *Order Setting the Deadlines for Submissions for Rexhep Selimi’s Periodic Review of Detention*, 1 June 2026, para. 10.

¹¹ F03760, Specialist Prosecutor, *Prosecution Submissions Pertaining to Periodic Detention Review of Rexhep Selimi*, 3 July 2026, confidential, para. 2 (a public redacted version was filed on the same day, F03760/RED).

9. The Selimi Defence did not file any response to either the SPO Submissions or the SPO Further Submissions.

II. SUBMISSIONS

10. The SPO requests that the detention of Mr Selimi continue as, since the last review of Mr Selimi's detention, there has been no change in circumstances that would affect the factors supporting the need and reasonableness of detention.¹² To the contrary, the SPO submits that the continued progression of the trial, and related developments, reinforce the necessity and reasonableness of Mr Selimi's detention.¹³

III. APPLICABLE LAW

11. The law applicable to deciding the present matter is set out in Article 41(6), (10), and (12) and Rules 56-57, and has been laid out extensively in earlier decisions.¹⁴ The Panel will apply the same standards to the present decision.

IV. DISCUSSION

12. The purpose of the bi-monthly review of detention pending trial pursuant to Article 41(10) is to determine whether reasons justifying detention still exist.¹⁵

¹² SPO Submissions, paras 1, 10, 32; SPO Further Submissions, paras 1, 11, 35.

¹³ SPO Submissions, para. 1; SPO Further Submissions, para. 1.

¹⁴ See for example, F00580, Pre-Trial Judge, *Decision on Remanded Detention Review and Periodic Review of Detention of Rexhep Selimi* ("Third Detention Decision"), 26 November 2021, confidential, para. 20, with further references (a public redacted version was filed on 8 December 2021, F00580/RED).

¹⁵ IA022/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Periodic Review of Detention*, 22 August 2022, confidential, para. 37 (a public redacted version was filed on the same day, IA022/F00005/RED).

A change in circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.¹⁶

A. ARTICLE 41 CRITERIA

1. Grounded Suspicion

13. As regards the threshold for continued detention, Article 41(6)(a) requires a grounded suspicion that the detained person has committed a crime within the jurisdiction of the Specialist Chambers ("SC"). This is a condition *sine qua non* for the validity of the detained person's continued detention.¹⁷

14. The SPO submits that the criterion in Article 41(6)(a) is still met.¹⁸ In the SPO's view, nothing has occurred that could detract from the Pre-Trial Judge's findings that there remains a well-grounded suspicion that Mr Selimi has committed a crime within the jurisdiction of the SC.¹⁹

15. The Panel notes that, pursuant to Article 39(2), the Pre-Trial Judge determined that there was a well-grounded suspicion that Mr Selimi is criminally responsible for a number of crimes against humanity (persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance) and war crimes (arbitrary detention, cruel treatment, torture and murder) under Articles 13, 14(1)(c) and 16(1)(a).²⁰ Moreover, the Pre-Trial Judge found that a well-grounded

¹⁶ IA007/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Review of Detention* ("Second Appeals Decision on Selimi's Detention"), 1 October 2021, confidential, para. 14 (a public redacted version was filed on the same day, IA007/F00005/RED).

¹⁷ Similarly, ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, [Judgment](#), 28 November 2017, para. 222.

¹⁸ SPO Submissions, para. 11; SPO Further Submissions, para. 12.

¹⁹ SPO Submissions, para. 11; SPO Further Submissions, para. 12.

²⁰ F00026, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte*, para. 521(a)(i)-(ii). A confidential redacted version was filed on 19 November 2020, F00026/CONF/RED. A public redacted version was filed on 30 November 2020, F00026/RED. The Specialist Prosecutor submitted the confirmed indictment in F00034, Specialist Prosecutor, *Submission of Confirmed Indictment and Related Requests*, 30 October 2020, confidential, with Annex 1, strictly confidential and *ex parte*, and Annexes 2-3, confidential; F00045/A03, Specialist Prosecutor, *Further Redacted Indictment*, 4 November 2020; F00134,

suspicion has also been established with regard to the new charges brought by the SPO against Mr Selimi with the requested amendments to the indictment.²¹ These findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a).²²

16. Absent any new material circumstances affecting the above finding, the Panel finds that there continues to be a grounded suspicion that Mr Selimi has committed crimes within the subject-matter jurisdiction of the SC for the purposes of Article 41(6)(a) and (10).

2. Necessity of Detention

17. With respect to the grounds for continued detention, Article 41(6)(b) sets out three alternative bases (risks) on which detention may be found to be necessary: (i) risk of flight; (ii) risk of obstruction of the proceedings; or (iii) risk of further commission of crimes.²³ These grounds must be “articulable” in the sense that they

Specialist Prosecutor, *Lesser Redacted Version of Redacted Indictment*, KSC-BC-2020-06/F00045/A02, 4 November 2020, 11 December 2020, confidential. A further corrected confirmed indictment was submitted on 3 September 2021, strictly confidential and *ex parte* (F00455/A01), with confidential redacted (F00455/CONF/RED/A01) and public redacted (F00455/RED/A01) versions. On 17 January 2022, the Specialist Prosecutor submitted a confidential, corrected, and lesser redacted version of the confirmed indictment, F00647/A01.

²¹ F00777, Pre-Trial Judge, *Decision on the Confirmation of Amendments to the Indictment*, 22 April 2022, strictly confidential and *ex parte*, para. 183. A confidential redacted version (F00777/CONF/RED), a public redacted version (F00777/RED), a confidential lesser redacted version (F00777/CONF/RED2) and a confidential further lesser redacted version (F00777/CONF/RED3) were filed, respectively, on 22 April 2022, 6 May 2022, 16 May 2022 and 21 September 2023. The requested amendments are detailed at para. 11. A confirmed amended indictment was then filed by the SPO on 29 April 2022, strictly confidential and *ex parte* (F00789/A01), with confidential redacted (F00789/A02) and public redacted (F00789/A05) versions. On 30 September 2022, the SPO submitted a confirmed further amended indictment (“Confirmed Indictment”), confidential (F00999/A01), with a public redacted version (F00999/A03). A public lesser redacted version (F01296/A03) and a public further lesser redacted version (F01323/A01) were filed, respectively, on 15 February 2023 and 27 February 2023.

²² See for example, F00372, Pre-Trial Judge, *Decision on Review of Detention of Rexhep Selimi* (“Second Detention Decision”), 25 June 2021, confidential, para. 19 (a public redacted version was filed on 30 June 2021, F00372/RED).

²³ Cf. ECtHR, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, [Judgment](#), 5 July 2016 (“*Buzadji v. the Republic of Moldova* [GC]”), para. 88; ECtHR, *Zohlandt v. the Netherlands*, no. 69491/16,

must be specified in detail by reference to the relevant information or evidence.²⁴ In determining whether any of the grounds under Article 41(6)(b) allowing for a person's detention exist, the standard to be applied is less than certainty, but more than a mere possibility of a risk materialising.²⁵

(a) Risk of Flight

18. The SPO submits that Mr Selimi continues to satisfy the applicable risk of flight standard.²⁶ Specifically, the SPO asserts that Mr Selimi: (i) is aware of the charges against him and the possibility of a serious sentence, if convicted; and (ii) now has full knowledge about the evidence and the case against him.²⁷ The SPO adds that the closure of the case and ongoing deliberations mean that the possible imposition of a sentence against Mr Selimi becomes more concrete.²⁸ The SPO further contends that Mr Selimi is also aware "of the evidence of conduct that has necessitated modification of his conditions of detention, which the Panel has acknowledged may undermine or undo its prior finding that he has cooperated with relevant authorities."²⁹ Lastly, the SPO argues that all of the above must be considered in the context of prior findings concerning Mr Selimi's means to travel.³⁰

9 February 2021, [Judgment](#), para. 50; ECtHR, *Grubnyk v. Ukraine*, no. 58444/15, 17 September 2020, [Judgment](#), para. 115; ECtHR, *Korban v. Ukraine*, no. 26744/16, 4 July 2019, [Judgment](#), para. 155.

²⁴ Article 19.1.31 of the Kosovo Criminal Procedure Code 2022, Law No. 08/L-032 defines "articulable" as: "the party offering the information or evidence must specify in detail the information or evidence being relied upon". See also IA003/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Interim Release* ("First Appeals Decision on Selimi's Detention"), 30 April 2021, confidential, para. 43 (a public redacted version was filed on the same day, IA003/F00005/RED).

²⁵ First Appeals Decision on Selimi's Detention, para. 40.

²⁶ SPO Submissions, para. 13; SPO Further Submissions, para. 14.

²⁷ SPO Submissions, para. 13; SPO Further Submissions, para. 14.

²⁸ SPO Submissions, para. 13; SPO Further Submissions, para. 14.

²⁹ SPO Submissions, para. 13; SPO Further Submissions, para. 14, both referring to F02060, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi*, 15 January 2024, para. 13.

³⁰ SPO Submissions, para. 13; SPO Further Submissions, para. 14.

19. The Panel notes that the SPO is putting forward substantially the same arguments that this Panel has already considered and rejected in relation to this issue.³¹ In this regard, the Panel recalls the finding of the Court of Appeals Panel that the Pre-Trial Judge should not be expected to entertain submissions that merely repeat arguments that have already been addressed in previous decisions.³² The Panel considers that this principle applies equally to the current stage of the proceedings, and has not found any additional factor sufficiently compelling to affect the previous finding regarding the risk of flight.

20. Therefore, while the risk of flight can never be completely ruled out, the Panel finds that Mr Selimi's continued detention may not be justified at this time on the ground of the risk of flight as set out in Article 41(6)(b)(i).

(b) Risk of Obstructing the Progress of SC Proceedings

21. The SPO submits that Mr Selimi continues to pose a risk of obstructing the proceedings also upon the closure of the case, as witnesses can remain at risk of obstruction even after their testimony.³³ The SPO recalls that the Panel reiterated its determination that: (i) Mr Selimi enjoys a position of influence considering his past and present influential positions in Kosovo, including as Minister of Internal Affairs and having been elected to the Kosovo Assembly; (ii) there is a persistent climate of intimidation of witnesses and interference with criminal proceedings against former Kosovo Liberation Army ("KLA") members; and (iii) the

³¹ See Twenty-Fifth Detention Decision, paras 17, 19-21; SPO Submissions, para. 13; SPO Further Submissions, para. 14.

³² KSC-BC-2020-04, IA003/F00005/RED, Court of Appeals Panel, *Public Redacted Version of Decision on Pjetër Shala's Appeal Against Decision on Review of Detention*, 11 February 2022, para. 18, holding that a panel may refer to findings in prior decisions if it is satisfied that the evidence or information underpinning those decisions still supports the findings made at the time of the review.

³³ SPO Submissions, para. 14, with further references; SPO Further Submissions, para. 15, with further references.

advancement of trial proceedings has provided Mr Selimi with insight into the evidence underpinning the serious charges against him.³⁴

22. The SPO adds that a general climate of witness interference persists in Kosovo regarding this case, which the Court of Appeals Panel has repeatedly agreed is a relevant consideration.³⁵ Such climate, the SPO submits, is further illustrated by the fact that suspects indicted for obstructing SC proceedings continue to publicly justify their conduct.³⁶ The SPO further avers that the closure of the case and impending Trial Judgment has heightened public scrutiny and increased pressure on witnesses.³⁷

23. Lastly, the SPO submits that the Panel has previously noted the risk of highly sensitive information, in particular pertaining to witnesses, becoming known to a broader range of persons, including the public.³⁸ The SPO adds that the Court of Appeals Panel has recently confirmed the salience of this consideration and that the process of disclosure provides an increased ability to obstruct proceedings.³⁹ The SPO further submits that this risk has already materialised as it appears that Mr Selimi disclosed privileged information to unauthorised third parties resulting in the Panel ordering significant modifications to Mr Selimi's detention

³⁴ SPO Submissions, para. 16; SPO Further Submissions, para. 17.

³⁵ SPO Submissions, para. 17, with further references; SPO Further Submissions, para. 18, with further references.

³⁶ SPO Further Submissions, para. 19, with further references.

³⁷ SPO Submissions, para. 17; SPO Further Submissions, para. 19.

³⁸ SPO Submissions paras. 15; SPO Further Submissions, para. 16.

³⁹ SPO Further Submissions, para. 16, *referring to* Appeals Decision on the Twenty-Fifth Detention Decision, para. 53.

conditions,⁴⁰ which, with one limited exception, the Panel recently confirmed remain appropriate.⁴¹

24. The Panel calls attention to the standard utilised in assessing the risks under Article 41(6)(b), which does not require a concrete example of a situation in which Mr Selimi has personally intimidated or harassed a witness.⁴²

25. The Panel has already determined and reiterates that: (i) Mr Selimi continues to enjoy a position of influence in Kosovo from his former and current functions, including as Minister of Internal Affairs and having been elected to the Kosovo Assembly;⁴³ (ii) there is a persisting climate of intimidation of witnesses and interference with criminal proceedings against former KLA members;⁴⁴ and (iii) through the advancement of the proceedings Mr Selimi has gained insight into the evidence underpinning the serious charges against him.⁴⁵

⁴⁰ SPO Submissions, para. 18; SPO Further Submissions, para. 20, both referring to F01977, Panel, *Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi* ("Decision Modifying Detention Conditions"), 1 December 2023, paras 41, 51-53, 55-60, 62-64, 66-72, 74-78, 84(b); F03308, Panel, *Decision Reviewing the Conditions of Detention Modified in F01977* ("Decision Reviewing the Modified Detention Conditions"), 4 July 2025, confidential, paras 71-72, 91-92.

⁴¹ SPO Further Submissions, para. 20, referring to Decision Reviewing the Modified Detention Conditions, paras 47-84.

⁴² See e.g. First Appeals Decision on Selimi's Detention, para. 59.

⁴³ See for example, F00179, Pre-Trial Judge, *Decision on Rexhep Selimi's Application for Interim Release* ("First Detention Decision"), 22 January 2021, confidential, para. 37 (a public redacted version was filed on 26 January 2021, F00179/RED); First Appeals Decision on Selimi's Detention, para. 63; Second Detention Decision, para. 40; Second Appeals Decision on Selimi's Detention, paras 33-34; Third Detention Decision, para. 33; F00802, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi* ("Fourth Detention Decision"), 13 May 2022, confidential, para. 31 (a public redacted version was filed on 24 May 2022, F00802/RED); F01213, Panel, *Decision on Periodic Review of Detention of Rexhep Selimi* ("Seventh Detention Decision"), 17 January 2023, confidential, paras 23-24 (a public redacted version was filed on 18 January 2023, F01213/RED).

⁴⁴ See for example, First Detention Decision, para. 42; Second Detention Decision, para. 41; Third Detention Decision, para. 34; Fourth Detention Decision, para. 32; Seventh Detention Decision, paras 23-24; Twenty-Fifth Detention Decision, para. 32.

⁴⁵ See for example, Fourth Detention Decision, para. 33; F00979, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi*, 19 September 2022, confidential, para. 29 (a public redacted version was filed on 30 September 2022, F00979/RED); F01111, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi*, 18 November 2022, confidential, para. 27 (a public redacted version was filed on the same day, F01111/RED); Seventh Detention Decision, paras 23-24; Twenty-Fifth Detention Decision, para. 32.

26. With respect to the persistent climate of witness intimidation, the Panel notes that the closure of the case has heightened public scrutiny and that there have been recent public statements about witnesses before the SC,⁴⁶ and recalls that it has received a report from the Witness Protection and Support Office confirming that, at a minimum, a climate of witness intimidation still persists in Kosovo (“WPSO Assessment”).⁴⁷ This climate, as the Court of Appeals Panel confirmed, is a relevant consideration for the purpose of assessing the existence of a risk under Article 41(6)(b)(ii).⁴⁸ In this regard, the Panel is also mindful of its duty to protect both the integrity of the proceedings and protected witnesses.

27. As previously noted, the names and personal details of certain highly sensitive witnesses have been disclosed to the Selimi Defence and have therefore become known to a broader range of persons, including the Accused. This, in turn, increases the risk that sensitive information pertaining to witnesses becomes known to members of the public. Indeed, the Court of Appeals Panel has confirmed that an accused’s access to and increased knowledge of the SPO’s case through the disclosure of evidence: (i) may be a relevant factor to determine the existence of a risk of obstruction; and (ii) provides an increased ability to obstruct the proceedings.⁴⁹ In this context, the Panel considers that, regardless of the current stage of this case, the release of an Accused with sensitive information in his possession would not be conducive to the effective protection of witnesses who already testified in these proceedings.

⁴⁶ See 131934-01.

⁴⁷ F03697/A01, Registrar, *Annex 1 to Registrar’s and WPSO’s Submissions*, 13 March 2026, strictly confidential and *ex parte*, p. 2 (a strictly confidential redacted version was filed on 17 March 2026, F03702/A01, Registrar, *Annex 1 to Submission of Redacted Version of F03697/A01 and Request for Reclassification of F03697 and F03697/A02*, 17 March 2026, strictly confidential).

⁴⁸ See e.g. IA033/F00006, Court of Appeals Panel, *Decision on Rexhep Selimi’s Appeal Against Consolidated Decision on Request for Provisional Release and on Review of Detention* (“Appeals Decision on the Twenty-First Detention Decision”), 13 August 2025, para. 31; Appeals Decision on the Twenty-Fifth Detention Decision, para. 30.

⁴⁹ Appeals Decision on the Twenty-Fifth Detention Decision, para. 53.

28. The Panel recalls its finding, which was upheld by the Court of Appeals Panel,⁵⁰ that the risk of interference which detention seeks to prevent also includes any attempt to retaliate against or incentivise to recant witnesses who have already testified.⁵¹

29. The Panel further notes that the WPSO Assessment concluded, [REDACTED].⁵² In this regard, the Panel recalls that such contextual information can be relied upon when assessing whether the circumstances underpinning a finding that witnesses may still be exposed to intimidation continue to exist.⁵³

30. The Panel further recalls its finding that it appears that Mr Selimi disclosed privileged information to unauthorised third parties.⁵⁴ In this regard, the Panel considers that Mr Selimi's alleged disclosure of confidential information shows, at a minimum, his willingness and ability to obtain access to and disseminate such information.⁵⁵ Such conduct supports and reinforces the Panel's finding that the release of Mr Selimi constitutes a risk of obstruction with the progress of SC proceedings.⁵⁶ The Panel is of the view that there is no new information since the Twenty-Fifth Detention Decision which would lead to a different conclusion.

31. Lastly, the Panel recalls its finding in the Twenty-Fifth Detention Decision that the closure of the case did not meaningfully reduce the risk of obstruction.⁵⁷

⁵⁰ Appeals Decision on the Twenty-First Detention Decision, paras 47-54, footnote 140; Appeals Decision on the Twenty-Fifth Detention Decision, paras 31, 51-54, 56-61.

⁵¹ Twenty-First Detention Decision, para. 36. *See also* Twenty-Fifth Detention Decision, para. 35.

⁵² WPSO Assessment, p. 5.

⁵³ Appeals Decision on the Twenty-Fifth Detention Decision, paras 58-59.

⁵⁴ Decision Modifying Detention Conditions, paras 35-37.

⁵⁵ Appeals Decision on the Twenty-Fifth Detention Decision, para. 65.

⁵⁶ Twenty-First Detention Decision, para. 38; Appeals Decision on the Twenty-First Detention Decision, paras 50, 53. *See also* Twenty-Fifth Detention Decision, para. 37; Appeals Decision on the Twenty-Fifth Detention Decision, para. 65.

⁵⁷ Twenty-Fifth Detention Decision, para. 40. *See also* Appeals Decision on the Twenty-Fifth Detention Decision, para. 77, noting that "[t]he [Court of Appeals Panel] agrees with the [Panel] that there is still a relevant risk of obstruction at this stage which justified detention".

The Panel considers that, since that review of detention, there has been no other intervening circumstance capable of substantially reducing the risk of obstruction.

32. Accordingly, the Panel concludes that the risk that Mr Selimi will obstruct the progress of SC proceedings if released, as set out in Article 41(6)(b)(ii), continues to exist.

(c) Risk of Committing Further Crimes

33. The SPO submits that Mr Selimi continues to present a risk of committing further crimes. Specifically, the SPO recalls the Panel's finding that the factors assessed as to whether there is a risk of obstructing proceedings under Article 41(6)(b)(ii) are also relevant when considering whether there is a risk of further crimes were Mr Selimi to be released.⁵⁸ The SPO adds that the crimes against humanity and war crimes that Mr Selimi is charged with are extremely serious, and they are alleged to have been committed in cooperation with others as well as personally by Mr Selimi.⁵⁹ The SPO submits that there is an unacceptable risk given the finding that Mr Selimi has divulged confidential information, and that such risk is furthered by the fact that Mr Selimi now has specific insight into the overall case and evidence against him.⁶⁰

34. The Panel recalls its finding in the Twenty-Fifth Detention Decision, and taking into account the current stage of the proceedings, still considers that the risk of Mr Selimi committing further crimes continues to exist.⁶¹ Moreover, the Panel finds that the same factors that were taken into account in relation to the risk of obstruction above are relevant to the analysis of the risk of Mr Selimi

⁵⁸ SPO Submissions, paras 20-21; SPO Further Submissions, paras 22-23.

⁵⁹ SPO Submissions, para. 22; SPO Further Submissions, para. 24.

⁶⁰ SPO Submissions, para. 23; SPO Further Submissions, para. 25.

⁶¹ Twenty-Fifth Detention Decision, para. 45.

committing further crimes.⁶² The Panel notes that there is no new information since the Twenty-Fifth Detention Decision that would lead to a different conclusion.

35. The Panel considers that, taking all factors together, and having found that the risk that Mr Selimi will obstruct the progress of SC proceedings if released continues to exist,⁶³ there continues to be a risk that Mr Selimi will commit further crimes as set out in Article 41(6)(b)(iii).

3. Conclusion

36. The Panel concludes that at this time there continues to be insufficient information before it justifying a finding that Mr Selimi may abscond from justice. However, the Panel is satisfied, based on the relevant standard, that there is a risk that Mr Selimi will obstruct the progress of SC proceedings or commit further crimes against those perceived as being opposed to the KLA, including witnesses who have provided evidence in the case. The Panel will assess below whether these risks can be adequately addressed by any conditions for Mr Selimi's release.

B. MEASURES ALTERNATIVE TO DETENTION

37. The SPO submits that no alternative measures are capable of adequately mitigating the Article 41(6)(b) risks posed by Mr Selimi, especially at such a critical phase of trial.⁶⁴ The SPO recalls that the Panel has consistently concluded that the risks of obstructing the proceedings and committing further offences can only be effectively managed at the SC detention facilities ("SC Detention Facilities").⁶⁵ The SPO adds that nothing has occurred since the Twenty-Fifth

⁶² See *above* paras 25-32; Twenty-Fifth Detention Decision, para. 45.

⁶³ See *above* para. 32.

⁶⁴ SPO Submissions, paras 24, 28; SPO Further Submissions, paras 26, 30.

⁶⁵ SPO Submissions, paras 24-27; SPO Further Submissions, paras 26-29, *both referring to* Twenty-Fifth Detention Decision, paras 50-51.

Detention Decision warranting a different assessment.⁶⁶ Rather, Mr Selimi's conduct represents such an extraordinarily heightened risk that the Panel modified the detention conditions to impose stricter conditions.⁶⁷

38. When deciding on whether a person should be released or detained, the Panel must consider alternative measures to prevent the risks in Article 41(6)(b).⁶⁸ Article 41(12) sets out a number of options to be considered in order to ensure the accused's presence at trial, to prevent reoffending or to ensure successful conduct of proceedings. In this respect, the Panel recalls that detention should only be continued if there are no alternative, more lenient measures reasonably available that could sufficiently mitigate the risks set out in Article 41(6)(b).⁶⁹ The Panel must therefore consider all reasonable alternative measures that could be imposed and not only those raised by the Parties.⁷⁰

39. As regards the risks of obstructing the progress of SC proceedings and committing further crimes, the Panel finds that none of the previously proposed conditions, nor any additional measures foreseen in Article 41(12) ordered *proprio motu* could at this stage in the proceedings sufficiently mitigate the existing risks.⁷¹

⁶⁶ SPO Submissions, para. 28; SPO Further Submissions, para. 30.

⁶⁷ SPO Submissions, para. 28; SPO Further Submissions, para. 30.

⁶⁸ As regards the obligation to consider "alternative measures", 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* ("SCCC 26 April 2017 Judgment"), 26 April 2017, para. 114. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC], para. 87 *in fine*; ECtHR, *Idalov v. Russia* [GC], no. 5826/03, [Judgment](#), 22 May 2012 ("*Idalov v. Russia* [GC]"), para. 140 *in fine*.

⁶⁹ SCCC 26 April 2017 Judgment, para. 114; KSC-CC-PR-2020-09, F00006, Specialist Chamber of the Constitutional Court, *Judgment on the Referral of Amendments to the Rules of Procedure and Evidence Adopted by the Plenary on 29 and 30 April 2020*, 22 May 2020, para. 70. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC], para. 87 *in fine*; ECtHR, *Idalov v. Russia* [GC], para. 140 *in fine*.

⁷⁰ First Appeals Decision on Selimi's Detention, para. 86.

⁷¹ See for example, Third Detention Decision, para. 72; IA015/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention* ("Third Appeals Decision on Selimi's Detention"), 25 March 2022, confidential, paras 33-44, 48-52, 61 (a public redacted version was filed on the same day, IA015/F00005/RED); Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 39; Twenty-First Detention Decision, para. 60; Twenty-Fifth

In particular, the Panel considers that the recording mechanisms in place at the SC Detention Facilities, and the staff of the Registrar, seen as a whole, provide robust assurances against the risks associated with unmonitored forms of communications, such as written messages or in-person exchanges, and communications with family members and pre-approved visitors.⁷² Moreover, the measures in place at the SC Detention Facilities offer a controlled environment where a potential breach of confidentiality could be more easily identified and/or prevented,⁷³ considering, for example, the Registrar's powers to refuse visits and impose proportionate and necessary measures to address any credible risks of confidential information being disclosed.⁷⁴ Upon review, the Panel has not been able to identify any other measures, different than those mentioned above and assessed in previous reviews of detention,⁷⁵ that might adequately mitigate the existing risks.⁷⁶ The Panel also notes that the Selimi Defence did not make any submissions in relation to further or new measures alternative to detention, as it did not respond to the SPO Submissions or to the SPO Further Submissions.

40. Lastly, since that last review of detention, the Panel has not identified any new circumstances which would warrant a different or *de novo* assessment of those measures alternative to detention previously proposed. In this regard, the Panel

Detention Decision, para. 50; Appeals Decision on the Twenty-Fifth Detention Decision, paras 83, 87-88.

⁷² See for example, Third Detention Decision, para. 72; Third Appeals Decision on Selimi's Detention, paras 33-44, 48-52, 61; Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 38; Twenty-First Detention Decision, para. 59; Twenty-Fifth Detention Decision, para. 50; Appeals Decision on the Twenty-Fifth Detention Decision, paras 83, 87-88.

⁷³ See for example, Third Detention Decision, para. 61; Third Appeals Decision on Selimi's Detention, para. 42; Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 38; Twenty-First Detention Decision, para. 59; Twenty-Fifth Detention Decision, para. 50; Appeals Decision on the Twenty-Fifth Detention Decision, paras 83, 87-88.

⁷⁴ Twenty-Fifth Detention Decision, para. 50; Appeals Decision on the Twenty-Fifth Detention Decision, paras 83, 87-88; Twenty-First Detention Decision, para. 59; F02115, Panel, *Decision on Registry Notification in Relation to Court-Ordered Protective Measures and Request for Guidance Pursuant to Decision F01977*, 9 February 2024, confidential, para. 32 (a public redacted version was filed on the same day, F02115/RED).

⁷⁵ See Twenty-First Detention Decision, paras 59-60. See also above footnotes 71-74.

⁷⁶ See Appeals Decision on the Twenty-Fifth Detention Decision, para. 87.

also recalls the Court of Appeals Panel's finding that, at the time when the Twenty-Fifth Detention Decision was issued, nothing had occurred since the previous assessment warranting a different or *de novo* assessment of conditions alternative to detention, and that, as long as no relevant developments have occurred, a panel may recall previous findings in relation to this assessment.⁷⁷

41. In light of the foregoing, the Panel concludes that it is only through the communication monitoring framework applicable at the SC Detention Facilities, including those additional measures ordered by the Panel,⁷⁸ that Mr Selimi's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.⁷⁹ In these circumstances, the Panel finds that there are no alternatives to Mr Selimi's continued detention capable of adequately averting the risks in Article 41(6)(b)(ii) and (iii).

C. REASONABLENESS OF DETENTION

42. The SPO submits that, taking all factors into consideration, and especially in light of the continuing expeditious progression of proceedings, the persistent climate of witness intimidation and interference, and heightened public scrutiny associated with the closure of the case and impending Trial Judgment, Mr Selimi's detention continues to be proportional and reasonable.⁸⁰ To that end, the SPO refers to the Panel's finding that: (i) Mr Selimi has been charged with ten counts of serious international crimes, and it is alleged that he played a significant role in their preparation; (ii) there may be a lengthy sentence, if convicted; (iii) the

⁷⁷ Appeals Decision on the Twenty-Fifth Detention Decision, paras 82-83.

⁷⁸ See Decision Modifying Detention Conditions, paras 51-53, 55-59, 62-64, 66-74, 77-78, 84(c); Decision Reviewing the Modified Detention Conditions, paras 64-67, 70-76, 78-79, 82-85, 91-97, 99-101, 103-105, 113(b)-(c); Decision on Recission of Contract Restrictions, paras 64-68, 86(b)-(c).

⁷⁹ See for example, Third Detention Decision, para. 61; Third Appeals Decision on Selimi's Detention, para. 42; Fourth Detention Decision, para. 59; Seventh Detention Decision, para. 38; Twenty-First Detention Decision, para. 61; Twenty-Fifth Detention Decision, para. 51; Appeals Decision on the Twenty-Fifth Detention Decision, para. 80.

⁸⁰ SPO Submissions, paras 29, 31; SPO Further Submissions, paras 31, 33.

proceedings are complex; (iv) the risks under Article 41(6)(b)(ii)-(iii) cannot be adequately mitigated by measures short of detention; and (v) there is a climate of witness intimidation.⁸¹

43. The Panel recalls that the reasonableness of an accused's continued detention must be assessed on the facts of each case and according to its special features at the time when such an assessment is being made.⁸² In the Panel's estimation, the special features in this case include: (i) Mr Selimi is charged with ten counts of serious international crimes in which he is alleged to play a significant role;⁸³ (ii) if convicted, Mr Selimi could face a lengthy sentence; (iii) the risks under Article 41(6)(b)(ii) and (iii) cannot be mitigated by any proposed conditions and/or any other conditions;⁸⁴ (iv) the case against Mr Selimi is complex;⁸⁵ and (v) the climate of witness intimidation outlined above, especially in light of the heightened public scrutiny surrounding the upcoming delivery of the Trial Judgment.⁸⁶

44. The Panel is mindful that the length of time in detention is a relevant factor in the present assessment. However, the Panel is not satisfied that, in the current circumstances, it renders Mr Selimi continued detention unreasonable. In particular, the Panel considers the gravity of the crimes Mr Selimi is accused of, the potential lengthy sentence he might face, if convicted, and that, as found above,⁸⁷ there are continuing risks of obstructing the proceedings and of committing further crimes, neither of which can be sufficiently mitigated by the application of reasonable alternative measures.

⁸¹ SPO Submissions, para. 30; SPO Further Submissions, para. 32.

⁸² Seventh Detention Decision, para. 42, with further references.

⁸³ Confirmed Indictment, paras 7-9, 32, 39-40, 44-47, 49, 52, 55-57, 176-177.

⁸⁴ *See above* paras 39-41.

⁸⁵ Third Detention Decision, para. 79, with further references; Twenty-Fifth Detention Decision, para. 55.

⁸⁶ *See above* para. 26, and references therein.

⁸⁷ *See above* para. 36.

45. In light of the above, the Panel finds that Mr Selimi's detention for a further two months is necessary and reasonable in the specific circumstances of the case.

46. The Panel acknowledges that Mr Selimi has already been in detention for a significant period of time, and the trial in this case is lengthy. While the Panel is mindful of the serious consequences of prolonged detention on the psychological well-being of detainees, this does not affect its findings that there are continuing risks of obstructing the proceedings and of committing further crimes which cannot be sufficiently mitigated by the application of reasonable alternative measures.⁸⁸ The Panel will continue to monitor at every stage in these proceedings whether continued detention is necessary and reasonable.

V. CLASSIFICATION

47. The Panel notes that the Notification of Waiver of Detention Review was filed as strictly confidential. The Panel therefore orders the Selimi Defence to file a public redacted version of the Notification of Waiver of Detention Review, or request reclassification thereof, by **Friday, 21 August 2026**.

VI. NEXT REVIEW OF DETENTION

30. The Panel notes that, in accordance with Article 41(10), the next review of the Mr Selimi's detention is due in principle on Monday, 28 September 2026, unless the Trial Judgement is issued in the interim. Noting that the hearing for the pronouncement of the Trial Judgment is scheduled for Wednesday, 16 September 2026, the Panel considers that it is not necessary, at this stage, to order the Parties to file submissions on the next review of Mr Selimi's detention.⁸⁹

⁸⁸ Twenty-Fifth Detention Decision, para. 59.

⁸⁹ See Rule 161. See KSC-CA-2022-01/F00031, Court of Appeals Panel, *Decision on Specialist Prosecutor's Office Request to Maintain Detention*, 28 July 2022, paras 8-10.

VII. DISPOSITION

48. For the above-mentioned reasons, the Panel hereby:

- a) **ORDERS** Mr Selimi's continued detention; and
- b) **ORDERS** the Selimi Defence to file a public redacted version of the Notification of Waiver of Detention Review, or request reclassification thereof, by **Friday, 21 August 2026**.



Judge Charles L. Smith, III

Presiding Judge

Dated this Tuesday, 28 July 2026

At The Hague, the Netherlands.