



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2023-12

**The Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj,
Isni Kilaj, Fadil Fazliu and Hajredin Kuçi**

Before: Single Trial Judge

Judge Christopher Gosnell

Registrar: Fidelma Donlon

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Tenth Decision on Review of Detention of Hashim Thaçi

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THE SINGLE TRIAL JUDGE, pursuant to Article 41(6) and (10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rules 56(2) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers,¹ hereby issues this decision.

I. PROCEDURAL BACKGROUND

1. On 6 July 2026, the Defence for Hashim Thaçi ("Mr Thaçi" and "Defence") filed submissions on the periodic review of Mr Thaçi's detention.²
2. On 16 July 2026, the Specialist Prosecutor's Office ("SPO") responded,³ to which the Defence replied on 21 July 2026.⁴

II. SUBMISSIONS

A. DEFENCE SUBMISSIONS

3. The Defence submits that Mr Thaçi is not a flight risk, emphasizing his family and community ties to Kosovo, the substantial duration of his provisional detention (578 days) by which any eventual sentence would be reduced, and the offering of a security of €50,000.⁵ The risk of obstruction pursuant to Article 41(6)(ii) and committing further offences pursuant to Article 41(6)(b)(iii) are said to be

¹ All references to "Article" and "Rule" shall be understood, unless otherwise indicated, as referring to the Law and Rules.

² KSC-BC-2023-12, F00945, Thaçi Defence, *Thaçi Defence Submissions on Detention Review* ("Submissions"), 6 July 2026, confidential, with Annexes 1, 3, 5, confidential and *ex parte*, and Annexes 2, 4, 6, confidential (public redacted version of the main filing filed on 9 July 2026, F00945/RED).

³ KSC-BC-2023-12, F00957, Specialist Prosecutor, *Prosecution Submissions on Review of Detention of Hashim Thaçi* ("Response"), 16 July 2026, public.

⁴ KSC-BC-2023-12, F00959, Thaçi Defence, *Thaçi Defence Reply to Prosecution Submissions on Review of Detention of Hashim Thaçi (F00957)* ("Reply"), 21 July 2026, confidential and *ex parte* (confidential redacted and public redacted versions filed on 21 July 2026, F00959/CONF/RED and F00959/RED, respectively).

⁵ Submissions, paras 1, 12-25; Reply, paras 2-4.

substantially reduced given the advanced stage of proceedings in both *The Specialist Prosecutor v. Hashim Thaçi et al.* case (“Case 6”) and the present case (“Case 12”).⁶ Mr Thaçi’s period of detention, which has lasted 19 months and one day as of the date of the Defence’s submissions, is neither reasonable nor proportionate in relation to charges based on “attempt” and the applicable sentencing range.⁷ Accordingly, the Defence requests that the Single Trial Judge order Mr Thaçi’s conditional release.⁸

B. RESPONSE

4. The SPO argues that Mr Thaçi is a flight risk, pointing to the sentencing range arising for “all the charges” against him and a recent finding of a “repeated pattern of non-compliance” with applicable detention conditions by Trial Panel II in Case 6.⁹ It disputes that there has been any reduction in the risk of obstruction, noting that judicially-ordered contact restrictions – that cannot be implemented while Mr Thaçi is at liberty – remain in place in relation to him.¹⁰ The SPO maintains that witnesses may be at risk notwithstanding the advanced stage of proceedings or possibly even after the issuance of judgments, and that there is a real risk that Mr Thaçi would use the opportunity of release to “further target Case 6 witnesses and/or to pressure uncharged co-perpetrators in this case”.¹¹ Detention remains proportionate and necessary, as there are no available conditions of release that can adequately mitigate the identified risks, and the case is moving rapidly towards judgment.¹²

⁶ Submissions, paras 28-33; Reply, paras 6-8.

⁷ Submissions, paras 1, 37; Reply, paras 9-10.

⁸ Submissions, paras 1, 43, 45; Reply, paras 1, 12.

⁹ Response, paras 7-8.

¹⁰ Response, paras 11-14.

¹¹ Response, para. 15.

¹² Response, para. 19.

C. REPLY

5. The Defence argues that the SPO's reliance on Trial Panel II's finding of non-compliance with conditions of detention is "inappropriate[]" and that it does not concern any attempt to disclose confidential information or to interfere with anyone.¹³ As to the potential that contacts could take place in circumvention of the restrictions currently imposed in relation to detention, the Defence argues that any such restrictions can be imposed as conditions of release.¹⁴ The Defence also posits that "the SPO cannot rely on alleged dangers to Case 06 witnesses to justify Mr Thaçi's continued detention in Case 12", and that, despite recent developments concerning the hearing of additional evidence in Case 12, this does not substantially impact the limited nature of the evidence to be heard and the low risk of obstruction in relation to that evidence.¹⁵

III. APPLICABLE LAW

6. The standards applicable to the continued detention of a person by the Specialist Chambers ("SC") are set out in Article 41(6) and (10) and Rules 56 and 57. These provisions must be applied and interpreted in conformity with the Constitution of Kosovo and the (European) Convention for the Protection of Human Rights and Fundamental Freedoms.¹⁶

¹³ Reply, para. 3.

¹⁴ Reply, para. 6.

¹⁵ Reply, para. 7.

¹⁶ See, for example, KSC-BC-2023-12, F00928, Single Trial Judge, [Ninth Decision on Review of Detention of Hashim Thaçi](#) ("Ninth Review Decision"), 2 June 2026, public, para. 5; F00838, Single Trial Judge, [Eighth Decision on Review of Detention of Hashim Thaçi](#) ("Eighth Review Decision"), 2 April 2026, public, para. 5; F00718, Single Trial Judge, [Seventh Decision on Review of Detention of Hashim Thaçi](#) ("Seventh Review Decision"), 3 February 2026, public, para. 7; F00597, Single Trial Judge, [Sixth Decision on Review of Detention of Hashim Thaçi](#) ("Sixth Review Decision"), 3 December 2025, public, para. 7; F00476, Pre-Trial Judge, [Fifth Decision on Review of Detention of Hashim Thaçi](#) ("Fifth Review Decision"), 3 October 2025, public, paras 9-12; F00250, Pre-Trial Judge, [Second Decision on Review of Detention of Hashim Thaçi](#) ("Second Review Decision"), 7 April 2025, public, paras 14-15 (general requirements), para. 16 (grounded suspicion), paras 19-22 (necessity of detention), para. 36 (conditional release), para. 40 (proportionality), and references cited therein; F00165, Pre-Trial Judge,

7. Each bi-monthly review of detention is a *de novo* assessment.¹⁷ According to the Court of Appeals Panel:

The competent panel is not required to make findings on the factors already decided upon in the initial ruling on detention but must examine these reasons or circumstances and determine whether they still exist. What is crucial is that the competent panel is satisfied that, at the time of the review decision, grounds for continued detention still exist.¹⁸

8. Furthermore, “although the automatic review [...] is not strictly limited to whether or not a change of circumstances occurred in the case, such a change can nonetheless be determinative and shall be taken into consideration if raised before the Panel or *proprio motu*.”¹⁹ The Single Trial Judge understands that although he is not “required” to revisit findings made in previous detention reviews, he must be “satisfied” that “grounds for continued detention still exist” including, but without being limited to, considering any change of circumstances that may have arisen since the last detention review.

[Decision on Review of Detention of Hashim Thaçi](#) (“First Review Decision”), 7 February 2025, public, paras 12-13 (general requirements), para. 14 (grounded suspicion), paras 17-20 (necessity of detention), para. 37 (conditional release), para. 41 (proportionality).

¹⁷ KSC-BC-2020-06, IA006-F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Jakup Krasniqi’s Appeal Against Decision on Review of Detention](#) (“Krasniqi Appeal Decision”), 1 October 2021, public, paras 14-17; see also F03484, Trial Panel II, [Decision on Periodic Review of Detention of Jakup Krasniqi](#) (“Krasniqi Detention Decision”), 18 September 2025, public, para. 49 (“[T]he Panel observes that detention is governed by strict conditions set out in Article 41 and the Panel assesses the Parties’ submissions *de novo* as part of the bi-monthly detention review pursuant to Article 41(10)”; F00177/RED, Pre-Trial Judge, [Public Redacted Version of Decision on Hashim Thaçi’s Application for Interim Release](#) (“Case 6 Thaçi Interim Release Decision”), 26 January 2021, public, para. 26 (original version issued on 22 January 2021).

¹⁸ KSC-BC-2020-07, IA002-F00005, Court of Appeals Panel, [Decision on Nasim Haradinaj’s Appeal Against Decision Reviewing Detention](#), 9 February 2021, public, para. 55. See also [Krasniqi Appeal Decision](#), para. 15 (“The Panel considers that a further explanation of how the above findings must be interpreted is warranted. In that regard, the Panel underlines that the duty to determine whether the circumstances underpinning detention “still exist” is not a light one. It imposes on the competent panel the task to, *proprio motu*, assess whether, it is still satisfied that, at the time of the review and under the specific circumstances of the case when the review takes place, the detention of the Accused remains warranted.”)

¹⁹ KSC-BC-2023-12, IA004-F00005, Court of Appeals Panel, [Decision on Isni Kilaj’s Appeal Against Third Decision on Review of Detention](#) (“Second Kilaj Detention Appeal Decision”), 1 September 2025, public, para. 31.

IV. DISCUSSION

A. GROUNDED SUSPICION

9. A precondition of detention under Article 41(6)(a) is that there be a “grounded suspicion that [the detainee] has committed a crime within the jurisdiction of the Specialist Chambers”. Based on the findings in the “Decision on the Confirmation of the Indictment”,²⁰ for which a higher standard applies than “grounded suspicion”, and in the absence of any other intervening information or developments, the requirement of a “grounded suspicion” is satisfied.

B. PRESENCE OF ARTICLE 41(6)(B) RISKS

1. Risk of Flight

10. Although the Single Trial Judge has previously declined to rule on the risk of flight as unnecessary, given his findings on other risks pursuant to Article 41(6)(b),²¹ he now considers it appropriate to do so in light of the substantial submissions presented by the Defence, and to facilitate any potential appeal. This assessment is conducted *de novo*.²²

11. The nature of the “risk” to be determined under Article 41(6)(b), including in respect of sub-section (i), has been explained by the Court of Appeals Panel:

[T]he question revolves around the possibility, not the inevitability, of a future occurrence [...]. In so finding, the Panel acknowledged that a standard less than certainty was appropriate. That “certainty” cannot be required follows from the nature of the assessment under Article 41(6)(b) of the Law, namely that it entails a prediction about

²⁰ KSC-BC-2023-12, F00036, Pre-Trial Judge, *Decision on the Confirmation of the Indictment*, 29 November 2024, confidential, para. 313(a) (public redacted version issued on 12 February 2025, [F00036/RED](#)).

²¹ See [Ninth Review Decision](#), para. 10; [Eighth Review Decision](#), paras 10-11; [Seventh Review Decision](#), paras 11-12; [Sixth Review Decision](#), paras 14-15.

²² [Krasniqi Detention Decision](#), para. 49 (“[T]he Panel observes that detention is governed by strict conditions set out in Article 41 and the Panel assesses the Parties’ submissions *de novo* as part of the bi-monthly detention review pursuant to Article 41(10)”); [Case 6 Thaçi Interim Release Decision](#), para. 26 (original version issued on 22 January 2021).

future conduct, and what lies in the future can never be predicted with certainty. This does not mean, however, that any possibility of a risk materialising is sufficient to justify detention [...] detention cannot be justified by any kind of possibility of a future occurrence, even if negligible [...] The Panel therefore finds that the standard to be applied is, on the one hand, less than certainty, but, on the other, more than a mere possibility of a risk materialising.²³

12. The Single Trial Judge does not consider, applying this standard, that Mr Thaçi is a flight risk.

13. First, Mr Thaçi appears to have deeply-established family ties in Kosovo,²⁴ which are also reflected by the offer of a financial security presented by one of his brothers in support of “his reunion with our family.”²⁵ His personal background also reflects a long-standing attachment to public life in Kosovo²⁶ which would have to be entirely abandoned by becoming a fugitive from justice. His decision to resign as President of Kosovo and surrender himself to the jurisdiction of the SC in response to the arrest warrant in Case 6 is strongly indicative that he would not now choose to become a fugitive on the basis of the charges in this case, which are less serious. Accordingly, Mr Thaçi’s past conduct and personal ties to Kosovo weigh strongly against any finding of flight risk.²⁷

14. Second, the financial security of €50,000 offered by family and friends, subject to forfeiture in case of failure to attend proceedings, further diminishes any such risk.²⁸ The Single Trial Judge is satisfied that this is a substantial sum, offered by

²³ KSC-BC-2020-06, IA004-F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi’s Appeal Against Decision on Interim Release](#) (“Case 6 Thaçi Interim Release Appeal Decision”), 30 April 2021, public, paras 21-22.

²⁴ Submissions, para. 25.

²⁵ Annex 1 and Annex 2 to the Submissions.

²⁶ Submissions, para. 25.

²⁷ See similarly, KSC-BC-2023-12, F00719, Single Trial Judge, *Seventh Decision on Review of Detention of Bashkim Smakaj* (“Smakaj Release Decision”), 3 February 2026, confidential and *ex parte*, para. 24 (public redacted version issued on 10 February 2026, [F00719/RED](#); F00720, Single Trial Judge, *Seventh Decision on Review of Detention of Fadil Fazliu* (“Fazliu Release Decision”), 3 February 2026, confidential and *ex parte*, para. 27 (public redacted version issued on 10 February 2026, [F00720/RED](#)).

²⁸ Submissions, paras 1, 26. A total of €55,000 is offered by three guarantors, of which €25,000 is offered by one of Mr Thaçi’s brothers.

individuals sufficiently closely related to Mr Thaçi, to represent a significant disincentive against flight.

15. Third, the sentencing range in relation to the totality of the charges facing an accused, not merely a single charge,²⁹ is a relevant factor in assessing flight risk.³⁰ The Single Trial Judge understands – without prejudice to any final determination on this issue after having received appropriate submissions – that the sentencing range in case of a conviction on each count of the most serious offence with which Mr Thaçi is charged ranges from one to fifteen years. The Court of Appeals Panel has instructed that a “lower panel is not required to address the ‘likely’ sentence an accused may face since considerations as to potential factors in case of a conviction and sentence should not form part of a decision on interim release.”³¹ Accordingly, contrary to the Defence submission,³² the actual sentence imposed in the case of *The Prosecutor v. Hysni Gucati and Nasim Haradinaj*, does not constitute a relevant reference point. On the other hand, no discretionary assessments or sentencing factors need be evaluated to take cognisance that the President has made a finding that the charges in this case do not qualify as “serious crimes under Article 22 of the Kosovo Criminal Procedure Code”.³³ Furthermore, Mr Thaçi has already served a period of detention that substantially exceeds the statutory minimum sentence, although not a period that constitutes a substantial fraction of the statutory maximum. In these circumstances, the Single Trial Judge does not consider that the

²⁹ Submissions, para. 38 (“Mr Thaçi has served more than the statutory minimum sentence if he were to be convicted, and a significant portion of the maximum statutory sentence for the most serious charged offence”); Response, paras 6-7.

³⁰ [Ninth Review Decision](#), para. 30 (“The sentencing range arising from the charged three counts of attempting to obstruct official persons in performing official duties, four counts of violating the secrecy of proceedings and four counts of contempt of court is much higher than that against his co-Accused.”)

³¹ [Second Kilaj Detention Appeal Decision](#), para. 49.

³² Submissions, para. 18.

³³ KSC-BC-2023-12, F00543/COR, President, [Decision Assigning a Single Trial Judge](#), 12 November 2025, public, para. 4.

statutory sentencing range provides a strong indication of the absence or presence of flight risk.

16. Fourth, although “*mala fide* intentions towards the laws and rules of the KSC”³⁴ could be relevant to the risk of flight in certain circumstances, the Single Trial Judge does not consider that the conduct alleged against Mr Thaçi, namely the surreptitious attempt to obstruct proceedings and the wrongful disclosures of confidential information, is strongly predictive of a willingness to become a fugitive from justice.³⁵ Indeed, the Court of Appeals Panel has emphasised that such an inference in respect to the risk of *obstruction* is justified on the basis of the “very specific nature of the confirmed charges”³⁶ – a close similarity that does not apply to the risk of *flight*. Mr Thaçi’s purported non-compliance with detention conditions,³⁷ while relevant to the risk of obstruction or to the sufficiency of measures alternative to detention, is likewise not strongly indicative of an intention to become a fugitive.

17. Fifth, Mr Thaçi’s likely capacity and means to become a fugitive³⁸ is a relevant consideration which is not convincingly refuted by the Defence’s suggestions concerning his diminished resources.³⁹ However, the Single Trial Judge considers this possibility to be substantially outweighed by the first and second factors discussed above.

18. The Single Trial Judge finds, based on a holistic assessment of the foregoing considerations, that the SPO has not established a “sufficiently real possibility” that

³⁴ Response, para. 8.

³⁵ See [Smakaj Release Decision](#), para. 23; [Fazliu Release Decision](#), para. 26. See similarly, KSC-BC-2020-06, F02781, Trial Panel II, [Decision on Periodic Review of Detention of Hashim Thaçi](#), 13 December 2024, public, para. 16.

³⁶ KSC-BC-2023-12, IA008-F00006, [Decision on Fadil Fazliu’s Appeal Against Fifth Decision on Review of Detention](#), 5 December 2025, public, para. 57 (“The Panel stresses that the very specific nature of the confirmed charges is a relevant factor that the Pre-Trial Judge considered in the assessment of the existence of a risk of obstruction to the proceedings”).

³⁷ Response, para. 8.

³⁸ Response, para. 9.

³⁹ Reply, para. 4.

Mr Thaçi would flee if released.⁴⁰ Accordingly, the risk of flight pursuant to Article 41(6)(b)(i) does not justify Mr Thaçi's continued detention.

2. Risk of Obstructing the Progress of SC Proceedings

19. Article 41(6)(b)(ii) authorises the continued detention of a person where there are articulable grounds to believe that "he or she will destroy, hide, change or forge evidence of a crime or specific circumstances indicate that he or she will obstruct the progress of the criminal proceedings by influencing witnesses, victims or accomplices."

20. The Ninth Review Decision held that there was a real risk of such conduct by Mr Thaçi based on: (i) the grounded suspicion of his extensive efforts to obstruct Case 6 proceedings, which are the basis for the charges in the present case; (ii) his alleged leadership role in such efforts; (iii) the allegation that these efforts included seeking the cooperation of, and giving instructions to, individuals who are at liberty in Kosovo; (iv) the fact that these efforts extended to highly sensitive protected witnesses; and (v) that there remains a risk, notwithstanding the imminent closure of evidence in the present case, of retaliation against or efforts to influence those highly sensitive witnesses.⁴¹

21. The Thaçi Defence submits that the requisite risk does not exist on the basis that: (i) with the presentation of evidence in Case 6 closed and the trial judgment to be pronounced imminently, Mr Thaçi has neither incentive nor reason to retaliate against Case 6 witnesses, influence them or procure recantations;⁴² (ii) the SPO has had ample opportunity to interview any relevant Case 6 witnesses regarding alleged interferences, including any "highly sensitive witnesses";⁴³ (iii) the forthcoming closure of the evidentiary phase in Case 12 further reduces any

⁴⁰ [Case 6 Thaçi Interim Release Appeal Decision](#), para. 24.

⁴¹ [Ninth Review Decision](#), para. 17. *See* Submissions, para. 28; Response, para. 11.

⁴² Submissions, paras 30-31.

⁴³ Submissions, para. 33.

obstruction risk;⁴⁴ (iv) the SPO witnesses in Case 12 are professionals and/or experts and none of them are based in Kosovo or are nationals thereof;⁴⁵ (v) most of the SPO's evidence in Case 12 is documentary and digital in nature and beyond the influence of Mr Thaçi or anyone else;⁴⁶ and (vi) any incentive to engage in obstructive conduct which Mr Thaçi might have had should be "viewed as diminished in light of its detection and the consequences that have ensued."⁴⁷

22. The SPO disputes that the closure of evidence in Case 6 substantially reduces the risk of obstruction. Indeed, the continued restrictions on Mr Thaçi's communications in detention demonstrate that the risk of recurrence of past efforts to contact witnesses persists. Allowing conditional release in these circumstances would undermine these safeguards which past experience, according to the SPO, demonstrates may be necessary to prevent interference with witnesses even after the issuance of a final judgment.⁴⁸

23. In reply, the Defence argues that conditions of release may be imposed that serve the same purpose as the detention restrictions⁴⁹ and that, in any event, "[t]he SPO cannot rely on alleged dangers to Case 06 witnesses to justify Mr Thaçi's continued detention in Case 12: it is for the Trial Panel in Case 06 to assess the necessity of continued detention as relates to witness protection of Case 6 witnesses."⁵⁰

24. Even though the Defence asserts that potential risks to Case 6 witnesses should not be taken into consideration in determining whether there is a risk of obstruction in relation to this case, the Single Trial Judge has previously held that:

⁴⁴ Submissions, paras 30, 32.

⁴⁵ Submissions, para. 33.

⁴⁶ Submissions, para. 33.

⁴⁷ Submissions, para. 34.

⁴⁸ Response, paras 13-14.

⁴⁹ Reply, para. 6.

⁵⁰ Reply, para. 7.

Consideration must also be given, however, to the situation of the Case 6 witnesses whom the SPO alleges have been targeted for influencing. Although those witnesses have not appeared as witness in this case, the fact of their status as Case 6 witnesses has been judicially noticed or acknowledged as an agreed fact between the Parties. In the context of the inter-relationship between Case 6 and Case 12, Trial Panel II observed that “the risk of interference also extend[s] to attempt to interfere with witnesses in parallel proceedings.”⁵¹

25. On this basis, the Single Trial Judge took into account certain findings of Trial Panel II in assessing the Article 41(6)(b)(ii) risk.⁵² As stated in the Ninth Review Decision:

Trial Panel II [...] has noted that “the names and personal details of certain highly sensitive SPO witnesses have been disclosed to the Thaçi Defence and have therefore become known to a broader range of people, including Mr Thaçi.” The risk of the identities of these “highly sensitive SPO witnesses” becoming publicly known leads, in turn, to a risk of retaliation by third parties and/or attempts to incentivize the witnesses to recant. The reference to “highly sensitive SPO witnesses” must be understood as encompassing “at a minimum, all witnesses who were granted protective measures in [Case 6] and who identities were not disclosed to the public.” This includes two of the individuals alleged in this case to have been targeted by Mr Thaçi for influencing. The danger of public disclosure of and its consequences must be viewed in the context of a prevalent climate of witness intimidation in Kosovo, in particular in respect of investigations and prosecutions of crimes attributed to ex-KLA members. These risks continue notwithstanding the imminent closure of evidence in this case.⁵³

⁵¹ [Ninth Review Decision](#), para. 15.

⁵² [Ninth Review Decision](#), para. 16.

⁵³ [Ninth Review Decision](#), para. 16 (citations omitted).

26. The Single Trial Judge continues to consider these to be relevant considerations and that nothing has changed since the Ninth Review Decision to diminish this risk in relation to the “highly sensitive SPO witnesses” as described by Trial Panel II. The basis for this risk includes: (i) the grounded suspicion of extensive efforts by Mr Thaçi to obstruct the Case 6 proceedings, which are the basis for the charges in the present case; (ii) the alleged leadership role of Mr Thaçi in those efforts; (iii) the allegation that these efforts included seeking the cooperation of, and giving instructions to, individuals who are at liberty in Kosovo; (iv) the fact that these efforts extended to highly sensitive protected witnesses; and (v) that there remains a risk, notwithstanding the imminent closure of evidence in the present case, of retaliation against or efforts to influence those highly sensitive witnesses.⁵⁴

27. No conditions of release can substantially mitigate these risks or substitute the restrictions to which Mr Thaçi’s communications in detention are currently subject, especially considering that they could arise even from an inadvertent or negligent disclosure of information from Mr Thaçi. In this respect, the recent order of Trial Panel II concerning non-compliance with restrictions on communication – even in the absence of any suggestion of any attempt to influence anyone or disclose confidential information – is relevant.⁵⁵

28. In summary, the Single Trial Judge finds that there is a risk pursuant to Article 41(6)(b)(ii) that Mr Thaçi may, if released, obstruct the progress of SC proceedings in relation to the “highly sensitive” Case 6 witnesses identified by Trial Panel II.

⁵⁴ [Ninth Review Decision](#), para. 17.

⁵⁵ KSC-BC-2020-06, F03755/RED, Trial Panel II, [Public Redacted Version of Order to the Thaçi Defence Regarding Compliance with the Modified Detention Conditions](#), 1 July 2026, public, para. 10. See Reply, para. 3.

3. Risk of Committing Further Offences

29. The SPO and the Thaçi Defence rely on their submissions on the risk of obstruction to substantiate their arguments in relation to the risk of commission of further crimes pursuant to Article 41(6)(b)(iii).⁵⁶

30. The Single Trial Judge recalls that the reasons supporting the finding that there is a real risk of obstruction of proceedings likewise support a finding of a real risk that alleged further offences would be committed for that purpose.⁵⁷

31. Accordingly, the requisite degree of risk that Mr Thaçi may commit further offences under Article 41(6)(b)(iii) is satisfied.

4. Conclusion

32. The Single Trial Judge is satisfied of the existence of risks pursuant to Article 41(6)(b)(ii) and (iii) justifying Mr Thaçi's continued detention.

C. POTENTIAL CONDITIONS OF RELEASE

33. An accused "can only be detained if lesser measures would *be insufficient to mitigate the risks* of flight, obstruction or commission of further crimes."⁵⁸ This

⁵⁶ Submissions, para. 35; Response, para. 17.

⁵⁷ See also [Ninth Review Decision](#), para. 20; [Eighth Review Decision](#), para. 18; [Seventh Review Decision](#), para. 17; [Sixth Review Decision](#), para. 22; [Fifth Review Decision](#), para. 22; F00405, Pre-Trial Judge, [Fourth Decision on Review of Detention of Hashim Thaçi](#) ("Fourth Review Decision"), 5 August 2025, public, para. 22; F00325, Pre-Trial Judge, [Third Decision on Review of Detention of Hashim Thaçi](#) ("Third Review Decision"), 5 June 2025, public, para. 25; [Second Review Decision](#), para. 33; [First Review Decision](#), para. 34.

⁵⁸ [Second Kilaj Detention Appeal Decision](#), para. 32. 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](#), 26 April 2017, public, para. 114. See also ECtHR, [Buzadji v. the Republic of Moldova](#), no. 23755/07, Judgment, 5 July 2016, para. 87; [Idalov v. Russia](#), no. 5826/03, Judgment, 22 May 2012, para. 140.

standard reflects the presumption in favour of pre-trial release, which is itself a reflection of the bedrock principle of the presumption of innocence.⁵⁹

34. The SPO submits that risks attributable to Mr Thaçi pursuant to Article 41(6) can only be effectively managed in the SC Detention Facilities.⁶⁰ The SPO highlights in particular: (i) the possibility of Mr Thaçi using other persons or employing communication devices belonging to other persons; and (ii) the inability to ensure the effective monitoring of Mr Thaçi's communications, should he be released.⁶¹

35. The Thaçi Defence submits that Mr Thaçi is willing to abide to conditions similar to those imposed on his co-Accused, or any other conditions deemed appropriate by the Single Trial Judge.⁶²

36. The Single Trial Judge is not persuaded that any feasible conditions of release presently available could satisfactorily mitigate the risk that Mr Thaçi may obstruct the progress of SC proceedings or commit further offences.⁶³ Notably, the Single Trial Judge is of the view that any conditions that could be imposed would not: (i) address the possibility of Mr Thaçi using other persons, or employing communication devices belonging to other persons; or (ii) ensure the effective

⁵⁹ KSC-BC-2020-06, IA003-F00005/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Rexhep Selimi's Appeal Against Decision on Interim Release](#) ("Selimi Appeal Decision"), 30 April 2021, public, paras 85-86 ("[I]n the assessment of the Proposed Conditions, the [relevant Panel] is required, *proprio motu*, to inquire and evaluate all reasonable conditions that could be imposed on an accused and not just those raised by the Defence. The [Court of Appeals] Panel comes to this conclusion in light of the fundamental right of liberty at stake with regard to a suspect or an accused in pre-trial detention and the presumption of innocence governing this part of the proceedings.")

⁶⁰ Response, paras 19-20.

⁶¹ Response, para. 19.

⁶² Submissions, para. 27.

⁶³ [Ninth Review Decision](#), para. 25; [Eighth Review Decision](#), para. 22; [Seventh Review Decision](#), para. 21; [Sixth Review Decision](#), para. 26; [Fifth Review Decision](#), para. 25; [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 28; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38; see KSC-BC-2020-06, IA017-F00011/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#) ("Case 6 Thaçi 2022 Appeal Decision"), 5 April 2022, public, para. 51.

monitoring of Mr Thaçi's communications.⁶⁴ By contrast, the measures in place at the SC Detention Facilities, including the further measures ordered in this case,⁶⁵ substantially reduce these risks.⁶⁶

37. The Single Trial Judge concludes that no reasonable conditions of release, including as proposed by the Thaçi Defence,⁶⁷ could sufficiently reduce the risks of obstruction of proceedings or re-offending under Article 41(6)(b)(ii)-(iii).

D. PROPORTIONALITY OF DETENTION

38. Rule 56(2) requires "that a person is not detained for an unreasonable period prior to the opening of the case." This standard likewise applies after the opening of the case and throughout trial proceedings.⁶⁸ The SPO "carries the burden of establishing that detention is necessary and that its length remains reasonable,"⁶⁹ and "any analysis of pre-trial detention must take the presumption of innocence as its starting point."⁷⁰ As the Court of Appeals Panel has remarked, "the longer a person remains in pre-trial detention the higher the burden on the Specialist

⁶⁴ [Ninth Review Decision](#), para. 25; [Eighth Review Decision](#), para.22; [Seventh Review Decision](#), para. 21; [Sixth Review Decision](#), para. 26; [Fifth Review Decision](#), para. 26; [Fourth Review Decision](#), para. 25; [Third Review Decision](#), para. 28; [Second Review Decision](#), para. 37; [First Review Decision](#), para. 38.

⁶⁵ See KSC-BC-2023-12, F00675, Single Trial Judge, *Second Decision on Review of Hashim Thaçi's Detention Conditions*, 16 January 2026, confidential and *ex parte* (public redacted version issued on 16 March 2026, [F00675/RED](#)).

⁶⁶ [Ninth Review Decision](#), para. 25; [Eighth Review Decision](#), para. 23; [Seventh Review Decision](#), para. 22; [Sixth Review Decision](#), para. 27; [Fifth Review Decision](#), para. 26; [Fourth Review Decision](#), para. 26; [Third Review Decision](#), para. 29; [Second Review Decision](#), para. 38; [First Review Decision](#), para. 39. Similarly, KSC-BC-2020-06, IA010-F00008/RED, Court of Appeals Panel, [Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention](#) ("Case 6 Thaçi 2021 Appeal Decision"), 27 October 2021, public, para. 68.

⁶⁷ Submissions, para. 27.

⁶⁸ See [Second Kilaj Detention Appeal Decision](#), para. 46 ("At the outset, the Appeals Panel recalls that a panel has a general obligation to ensure that the time spent in detention is reasonable, in accordance with Article 29(2) of the Constitution and Article 5(3) of the ECHR"); KSC-BC-2020-06, F03587, Trial Panel II, [Decision on Periodic Review of Detention of Jakup Krasniqi](#), 18 November 2025, public, paras 31-35 (applying Rule 56(2) and finding that continued detention remains "necessary and reasonable in the specific circumstances of this case").

⁶⁹ See [Second Kilaj Detention Appeal Decision](#), para. 47.

⁷⁰ See [Selimi Appeal Decision](#), para. 37.

Chambers to justify continued detention.”⁷¹ Moreover, the analysis of whether the period of detention has become unreasonable applies regardless of whether any of the Article 41(6)(b) risk factors are found to exist.

39. Reasonableness is to be assessed by weighing various considerations including: the duration of detention at the time of review;⁷² “the nature of the offence as well as the severity of the penalty”;⁷³ “the degree of risks that are described in Article 41(6)(b) of the Law”;⁷⁴ the speed with which proceedings are progressing towards trial (or a final judgment), and whether the length of proceedings is justified by its complexity;⁷⁵ and the frequent review of detention which, pursuant to the Rules, occurs every two months.⁷⁶ Ultimately, the reasonableness of continued detention “must be assessed on the facts of each case and according to its special features.”⁷⁷

40. The Thaçi Defence argues that Mr Thaçi’s further detention is neither reasonable nor proportionate,⁷⁸ submitting that: (i) the period spent in custody has already surpassed the statutory minimum sentence if he were to be convicted for the most serious charged offence, and a significant portion of the maximum statutory sentence;⁷⁹ (ii) the duration of Mr Thaçi’s detention impacts on the degree

⁷¹ See KSC-BC-2020-07, IA001-F00005, Court of Appeals Panel, [Decision on Hysni Gucati’s Appeal on Matters Related to Arrest and Detention](#) (“Gucati Appeal Decision”), 9 December 2020, public, para. 73.

⁷² See [Selimi Appeal Decision](#), paras 79-81.

⁷³ See [Gucati Appeal Decision](#), para. 72 (“The Court of Appeals Panel takes the present opportunity to stress that the nature of the offence as well as the severity of the penalty are important factors to consider when deciding whether detention is necessary in the circumstances of a specific case.”).

⁷⁴ See KSC-BC-2023-12, INV-F00129/COR, Single Judge, *Corrected Version of Decision on Review of Detention of Isni Kilaj* (“First Kilaj Release Decision”), 3 May 2024, confidential, para. 60 (public redacted corrected version issued on 15 May 2024, [INV-F00129/COR/RED](#)). See also [Case 6 Thaçi 2021 Appeal Decision](#), para. 49.

⁷⁵ See [Case 6 Thaçi 2021 Appeal Decision](#), para. 52 (“[T]he Pre-Trial Chamber correctly assessed the circumstances of the case as a whole, taking into consideration the factors listed above in paragraph 50 of this decision”); [First Kilaj Release Decision](#), para. 60 (“[T]he investigative and procedural steps taken towards moving the case forward since the last review of detention”).

⁷⁶ See [Selimi Appeal Decision](#), para. 81.

⁷⁷ See [Case 6 Thaçi 2022 Appeal Decision](#), para. 65.

⁷⁸ Submissions, paras 1, 37.

⁷⁹ Submissions, para. 38.

of the Article 41(6)(b) risks, if any, diminishing them;⁸⁰ (iii) the risks under Article 41(6)(b), if any, are outweighed by the period that Mr Thaçi has spent in custody;⁸¹ and (iv) the anticipated schedule of the proceedings has been further postponed.⁸²

41. The SPO submits that Mr Thaçi's continued detention is both necessary and proportionate⁸³ because the risks attributable to him pursuant to Article 41(6) cannot be reasonably mitigated outside of detention, and the case is progressing swiftly.⁸⁴

42. The Single Trial Judge considers that there are no practicable measures that: (i) would ensure compliance with the contact restrictions currently imposed on Mr Thaçi; and (ii) could, accordingly, reduce or mitigate the Article 41(6)(b)(ii)-(iii) risks associated therewith. Further, the period of detention to date, while of increasing concern in that it already substantially exceeds the statutory minimum sentence in relation to the most serious offence charged, is not yet unreasonable in light of the Article 41(6)(b) risks that have been identified, the imminence of the completion of this case, and the opportunity of further review upon the expiry of two months from the last ruling on detention or at any time upon request, or *proprio motu*, where a change in circumstances since the last review has occurred.

43. Accordingly, the Single Trial Judge finds that Mr Thaçi's detention continues to be reasonable and proportionate at this time.

⁸⁰ Submissions, para. 39.

⁸¹ Submissions, para. 40.

⁸² Submissions, para. 41.

⁸³ Response, paras 3, 19-20.

⁸⁴ Response, paras 19.

V. DISPOSITION

44. For the above-mentioned reasons, the Single Trial Judge hereby:

- a. **ORDERS** Mr Thaçi's continued detention;
- b. **ORDERS** Mr Thaçi, if he so wishes, to file submissions on the next review of detention by **Monday, 7 September 2026, at 4 p.m.**, with response and reply following the timeline set out in Rule 76 of the Rules; and
- c. **ORDERS** the SPO, should Mr Thaçi decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Thaçi's detention by **Monday, 14 September 2026, at 4 p.m.**, and Mr Thaçi, if he so wishes, to file his response by **Monday, 21 September 2026, at 4 p.m.**



Judge Christopher Gosnell
Single Trial Judge

Dated this Friday, 31 July 2026

At The Hague, the Netherlands.