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 Guénaël Mettraux
	Judge Fergal Gaynor, Reserve Judge
Registrar:	Fidelma Donlon
Date:	15 September 2026
Language:	English
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Decision on Periodic Review of Detention of Jakup Krasniqi

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TRIAL PANEL II ("Panel"), pursuant to Article 41(6), (10), and (12) 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, hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. The procedural background concerning the periodic review of the detention of Jakup Krasniqi ("Mr Krasniqi" or "Accused") has been set out extensively in previous decisions concerning the same issue. Relevant events since the decision on periodic review of detention of Mr Krasniqi issued on 15 July 2026 ("Twenty-Seventh Detention Decision") include those set out below.[1]

2. On 21 August 2026, the Specialist Prosecutor's Office ("SPO") filed its submissions on the continued detention of Mr Krasniqi ("SPO Submissions").[2]

3. On 1 September 2026, the Defence for Mr Krasniqi ("Krasniqi Defence") responded to the SPO Submissions.[3]

4. The SPO did not reply.

II. SUBMISSIONS

5. The SPO requests the continuation of Mr Krasniqi's detention.[4] The SPO argues that, since the Twenty-Seventh Detention Decision, there have been no new developments or circumstances that diminish the factors supporting the need for

[1] F03765, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi*, 15 July 2026.
[2] F03776, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Jakup Krasniqi*, 21 August 2026.
[3] F03777, Specialist Counsel, *Krasniqi Defence Notification in Relation to Prosecution Submission Pertaining to Periodic Detention Review of Jakup Krasniqi* ("Response"), 1 September 2026.
[4] SPO Submissions, paras 1, 31.

and reasonableness of detention.[5] To the contrary, the SPO submits that the continued progression of the trial, and related developments, reinforce the necessity and reasonableness of Mr Krasniqi's detention.[6]

6. The Krasniqi Defence responds by relying on its previous submissions concerning Mr Krasniqi's continued detention and requests the Panel to assess the SPO's submissions and the circumstances as they presently stand.[7] The Krasniqi Defence argues that the SPO has failed to discharge its burden of demonstrating the existence of any current concrete and unmanageable risk capable of justifying Mr Krasniqi's continued detention.[8]

III. APPLICABLE LAW

7. The law applicable to deciding the present matter is set out in Article 41(6), (10), and (12) and Rules 56 and 57 and has been laid out extensively in earlier decisions.[9] The Panel will apply these standards to the present decision.

IV. DISCUSSION

8. The purpose of the bi-monthly review of detention pursuant to Article 41(10) is to determine whether reasons justifying detention still exist.[10] A change in

[5] SPO Submissions, paras 1, 9.
[6] SPO Submissions, para. 1.
[7] Response, para. 4, *referring to*, among others, F03756, *Krasniqi Defence Response to Prosecution Submission Pertaining to Periodic Review of Jakup Krasniqi*, 1 July 2026.
[8] Response, para. 4.
[9] *See e.g.*, F01110, Pre-Trial Judge, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Sixth Detention Decision"), 18 November 2022, confidential, paras 18-21 (a public redacted version was issued on the same day, F01110/RED).
[10] 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 issued on the same day, IA022/F00005/RED).

circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.[11]

A. ARTICLE 41 CRITERIA

1. Grounded Suspicion

9. Regarding 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.[12]

10. The SPO argues that, absent any change in circumstances since the decision confirming the indictment and the decision confirming amendments to the indictment, there remains a grounded suspicion that Mr Krasniqi has committed a crime within the SC's jurisdiction.[13]

11. The Panel recalls that the Pre-Trial Judge determined that, pursuant to Article 39(2), there was a well-grounded suspicion that Mr Krasniqi is criminally liable 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).[14] Moreover, the Pre-Trial Judge found that a well-grounded

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[11] IA010/F00008, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention*, 27 October 2021, confidential, para. 19 (a public redacted version was issued on the same day, IA010/F00008/RED).
[12] *See* ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, *Judgment*, 28 November 2017, para. 222.
[13] SPO Submissions, para. 10 (with further references).
[14] 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 (F00026/CONF/RED), a public redacted version (F00026/RED), and a confidential lesser redacted version (F00026/CONF/RED2) were issued, respectively, on 19 November 2020, 30 November 2020, and 21 September 2023. The SPO 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 new charges brought by the SPO against Mr Krasniqi.[15] These findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a).[16]

12. Absent any new material circumstances affecting the above findings, the Panel finds that there continues to be a grounded suspicion that Mr Krasniqi 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

13. 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.[17] Detention shall be maintained if there are

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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 SPO submitted a confidential, corrected, and lesser redacted version of the confirmed indictment, F00647/A01.

[15] 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 issued, 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.

[16] *See e.g.* IA008/F00004, Court of Appeals Panel, *Decision on Kadri Veseli's Appeal Against Decision on Review of Detention*, 1 October 2021, confidential, para. 21 (a public redacted version was issued on the same day, IA008/F00004/RED).

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

articulable grounds to believe that one or more of these risks will materialise.[18] "Articulable" in this context means specified in detail by reference to the relevant information or evidence.[19] In determining whether any of the grounds provided in Article 41(6)(b) exist, the standard to be applied is less than certainty, but more than a mere possibility of a risk materialising.[20]

a) Risk of Flight

14. The SPO submits that Mr Krasniqi is aware of the scope of the case, including the serious confirmed charges against him and the evidence presented in relation to these charges.[21] The SPO argues that this, in combination with the possible imposition of lengthy prison sentence becoming more concrete with the closure of the case and the ongoing deliberations, together with Mr Krasniqi's means to travel and network of support, leads to a sufficiently real possibility that a risk of flight exists with respect to Mr Krasniqi.[22]

15. The Panel notes that the SPO is putting forward substantially the same arguments that the Panel has already considered and rejected in relation to this issue, namely: (i) Mr Krasniqi's awareness of the serious of the confirmed charges against him; (ii) the potential of a long sentence; (iii) the evidence presented against him; (iv) Mr Krasniqi's means to travel; and (v) the closure of the case and the ongoing deliberations.[23] In this regard, the Panel recalls the finding of the Court of Appeals Panel that the Pre-Trial Judge should not be expected to

[18] IA004/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Interim Release* ("First Appeals Decision on Thaçi's Detention"), 30 April 2021, confidential, para. 19 (a public redacted version was issued on the same day, IA004/F00005/RED).
[19] 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".
[20] First Appeals Decision on Thaçi's Detention, para. 22.
[21] SPO Submissions, para. 12.
[22] SPO Submissions, para. 12.
[23] Twenty-Seventh Detention Decision, para. 17. *See also* F03005, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Twentieth Detention Decision"), 13 March 2025, para. 13.

entertain submissions that merely repeat arguments that have already been addressed in previous decisions.[24] The Panel considers that this principle applies equally to the current stage of the proceedings.

16. The Panel has not found any additional factor sufficiently compelling to affect the previous finding regarding the risk of flight.

17. The Panel therefore finds that, while the risk of flight can never be completely ruled out, Mr Krasniqi's continued detention may not be justified at this time on the ground of the risk of flight pursuant to Article 41(6)(b)(i).

b) Risk of Obstructing the Progress of SC Proceedings

18. With reference to previous findings by the Panel, the SPO submits that Mr Krasniqi continues to present a risk of obstructing the proceedings.[25] The SPO maintains that the closure of the case does not obviate this risk, as Mr Krasniqi now has knowledge of the full scope of the case against him and witnesses remain at risk of obstruction even after their testimony.[26] To support this, the SPO refers to the Panel's previous finding, confirmed by the Court of Appeals Panel, that the risk of interference also includes any attempt to retaliate against witnesses who have testified in these proceedings and attempts to incentivise a witness to recant.[27]

[24] KSC-BC-2020-04, IA003/F00005, Court of Appeals Panel, *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.
[25] SPO Submissions, paras 13-17.
[26] SPO Submissions, para. 13.
[27] SPO Submissions, para. 13, *referring to* Twenty-Seventh Detention Decision, para. 33; IA035/F00005, Court of Appeals Panel, *Decision on Jakup Krasniqi's Appeal Against Consolidated Decision on Request for Provisional Release and on Review of Detention* ("Appeals Decision of Twenty-First Detention Decision"), 13 August 2025, confidential, para. 46, footnote 129 (a public redacted version was issued on 14 August 2025, IA035/F00005).

19. Furthermore, the SPO avers that there continues to be a climate of witness intimidation and interference, referring to findings made in various SC cases,[28] which, as held by the Court of Appeals Panel, is a relevant contextual consideration.[29] In this respect, the SPO submits that the Panel has recently reaffirmed that the climate of witness intimidation continues to persist and further argues that the closure of the case and impending judgment has heightened public scrutiny of the case and increased pressure on witnesses.[30] In support of this, the SPO notes that suspects indicted for obstructing SC proceedings continue to publicly justify their conduct and that such attacks and comments could endanger the privacy, well-being and security of witnesses.[31]

20. 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 Krasniqi has personally intimidated or harassed a witness.[32]

21. The Panel has already determined and reiterates that there is a risk of Mr Krasniqi obstructing SC proceedings based on, *inter alia*: (i) his position of influence which, combined with the willingness to obtain access to confidential information inaccessible to the public, allows for the reasonable conclusion that it is possible for Mr Krasniqi to secure access to confidential information related to matters to which he is currently connected; (ii) his public statements criticising the SC; and (iii) the content of a 24 April 2020 Facebook post targeting

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[28] SPO Submissions, para. 16, *referring to* KSC-BC-2020-05, F00494/RED3/COR, Trial Panel I, *Further Redacted Version of Corrected Version of Public Redacted Version of Trial Judgment*, 16 December 2022, para. 57; KSC-CA-2022-01, F00114, Court of Appeals Panel, *Appeal Judgment*, 2 February 2023, para. 438; KSC-BC-2020-07, F00611/RED, Trial Panel II, *Public Redacted Version of the Trial Judgment*, 18 May 2022, para. 579; KSC-BC-2020-04, F00847/RED, Trial Panel I, *Public Redacted Version of Trial Judgment and Sentence*, 16 July 2024, paras 96-97.
[29] SPO Submissions, para. 16.
[30] SPO Submissions, para. 17, *referring to* Twenty-Seventh Detention Decision, para. 30.
[31] SPO Submission, para. 17, *referring to* 131934-01.
[32] *See* F01212, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Seventh Detention Decision"), para. 23, *referring to* 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. 59 (a public redacted version was issued on the same day, IA003/F00005/RED).

"collaborators".[33] Furthermore, the Court of Appeals has confirmed that: (i) there are indications that Mr Krasniqi is, at least, predisposed to witness intimidation, for reasons earlier stated;[34] and (ii) in assessing whether there is a risk that Mr Krasniqi will obstruct the proceedings, if released, it was not unreasonable to take into account, among other factors, Mr Krasniqi's public statements criticising the SC or the Facebook post of 24 April 2020.[35]

22. The Panel recalls its previous finding, confirmed by the Court of Appeals Panel,[36] that the risk of interference also includes: (i) any attempt to retaliate against witnesses who have testified in these proceedings; and (ii) attempts to incentivise a witness to recant.[37]

23. As previously noted, the names and personal details of certain highly sensitive witnesses have been disclosed to the Krasniqi Defence,[38] and have therefore become known to a broader range of people, including to Mr Krasniqi. The Panel maintains its view that this, in turn, increases the risk of sensitive information pertaining to witnesses becoming known to members of the public.[39] In this context, regardless of the current stage of this case, the release of an accused

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[33] *See e.g.*, F00801, Pre-Trial Judge, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Fourth Detention Decision"), 13 May 2022, confidential and *ex parte*, para. 48 (a confidential redacted version, and a public redacted version were issued on 13 and 24 May 2022, F00801/CONF/RED and, F00801/RED, respectively). *See also* Twenty-Seventh Detention Decision, para. 26.

[34] IA002/F00005, Court of Appeals Panel, *Decision on Jakup Krasniqi's Appeal Against Decision on Interim Release* ("First Appeals Decision on Krasniqi's Detention"), 30 April 2021, confidential, para. 62 (a public redacted version was issued on the same day, IA002/F00005/RED); IA006/F00005, Court of Appeals Panel, *Decision on Jakup Krasniqi's Appeal Against Decision on Review of Detention* ("Second Appeals Decision on Krasniqi's Detention"), 1 October 2021, confidential, para. 30 (a public redacted version was issued on the same day, IA006/F00005/RED).

[35] First Appeals Decision on Krasniqi's Detention, para. 50; Appeals Decision of Twenty-First Detention Decision, para. 29.

[36] Appeals Decision of Twenty-First Detention Decision, paras 31-34, 46, footnote 129.

[37] Twenty-Seventh Detention Decision, para. 27; F03176, Panel, *Consolidated Decision on Krasniqi Defence Request for Provisional Release and on Periodic Review of Detention of Jakup Krasniqi* ("Twenty-First Detention Decision"), 13 May 2025, confidential, para. 41 (a corrected version was filed on 14 May 2025, F03176/COR; a further corrected version and a public redacted version of the further corrected version were filed on 11 June 2025, F03176/COR2 and F03176/COR2/RED, respectively).

[38] *See* Twenty-Seventh Detention Decision, para. 28.

[39] F02059, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi*, 15 January 2024, para. 25.

with sensitive information in his possession would not be conducive to the effective protection of witnesses.[40]

24. The Panel reiterates that it is adjudicating this matter against a background of indications that a general climate of witness interference persists in Kosovo regarding this case and others before the SC.[41] A climate which the WPSO confirmed, at a minimum, still persists in Kosovo.[42] In this respect, the Panel recalls its findings taking note of recent public statements made about witnesses before the SC.[43] 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).[44]

25. Accordingly, the Panel concludes that, taking all factors together, the risk that Mr Krasniqi will obstruct the progress of SC proceedings, as set out in Article 41(6)(b)(ii), continues to exist.

c) Risk of Committing Further Crimes

26. With reference to the Panel's findings in the Twenty-Seventh Detention Decision, the SPO submits that Mr Krasniqi continues to present a risk of committing further crimes.[45] In particular, the SPO contends that the same factors that support a risk of obstruction are relevant to the analysis of the risk of committing further crimes and that no new circumstances have arisen since the last detention review.[46] Moreover, according to the SPO, the Panel's conclusion

[40] Twenty-Seventh Detention Decision, para. 28.
[41] *See* Twenty-Seventh Detention Decision, para. 30. *See also* Twenty-First Detention Decision, para. 42.
[42] 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, *see* 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.
[43] *See* Twenty-Seventh Detention Decision, para. 30; 131934-01.
[44] Appeals Decision of Twenty-First Detention Decision, para. 30.
[45] SPO Submissions, paras 19-22.
[46] SPO Submissions, para. 20.

that the continuing disclosure of sensitive information presented an unacceptable risk of the commission of further crimes applies even more forcefully given the closure of the case.[47]

27. The Panel recalls its finding in the Twenty-Seventh Detention Decision that the risk of Mr Krasniqi committing further crimes continues to exist.[48] The Panel finds that the same considerations and factors that were taken into account in relation to the risk of obstruction are relevant to the analysis of the risk of Mr Krasniqi committing further crimes.[49] In light of those, the Panel considers that no new circumstances have arisen since the last detention review that would justify a different finding in respect of this matter.

28. The Panel considers that, taking all factors together, there continues to be a risk that Mr Krasniqi will commit further crimes as set out in Article 41(6)(b)(iii).

3. Conclusion

29. The Panel concludes that, at this time, there continues to be insufficient information before it, justifying a finding that Mr Krasniqi may abscond from justice. However, the Panel is satisfied, based on the relevant standard, that there continues to be a risk that Mr Krasniqi will obstruct the progress of SC proceedings and a risk that he will commit further crimes against those perceived as being opposed to the Kosovo Liberation Army, including witnesses who provided evidence in the case.

30. The Panel will assess below whether these risks can be adequately addressed by any conditions for Mr Krasniqi's release.

[47] SPO Submissions, para. 22.
[48] Twenty-Seventh Detention Decision, paras 35-36.
[49] *See above*, paras 18-25. *See also* Twenty-Seventh Detention Decision, paras 26-33.

B. MEASURES ALTERNATIVE TO DETENTION

31. The SPO submits, with reference to the Panel's previous findings, that: (i) the risks pursuant to Article 41(6)(b) can only be effectively managed at the SC detention facilities ("SC Detention Facilities"); (ii) nothing has occurred since the Twenty-Seventh Detention Decision warranting a different assessment on conditions, either generally or for a discrete period of time; and (iii) especially at such a critical phase of trial, the underlying risks continue.[50]

32. 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).[51] Article 41(12) sets out a number of options, including home detention, 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).[52] The Panel must therefore consider all reasonable alternative measures that could be imposed and not only those raised by the Krasniqi Defence or the SPO.[53]

33. Regarding the risk of obstructing the progress of SC proceedings and commission of further crimes, the Panel has repeatedly found that none of the

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[50] SPO Submissions, paras 23-27.

[51] 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*.

[52] 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, *Idalov v. Russia [GC]*, para. 140 *in fine*.

[53] First Appeals Decision on Selimi's Detention, para. 86; KSC-BC-2020-05, F00127, Trial Panel I, *Fourth Decision on Review of Detention*, 25 May 2021, para. 24.

alternative measures specified in Article 41(12), nor any additional measures ordered *proprio motu*, could sufficiently mitigate the risk that Mr Krasniqi may obstruct the proceedings or commit a further crime, if released.

34. The Panel maintains its view that none of the previously proposed conditions, including: (i) a prohibition from making any public statements; (ii) limited access to communication devices and the internet; (iii) limited access to visitors; and (iv) monitoring of communications,[54] nor any additional measures foreseen in Article 41(12), ordered *proprio motu*, could to a degree comparable to that of detention at the SC Detention Facilities mitigate the existing risks with respect to Mr Krasniqi.[55]

35. In particular, the Panel maintains its view that it is only through the communication monitoring framework applicable at the SC Detention Facilities that Mr Krasniqi's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.[56] The measures in place at the SC Detention Facilities, and the staff of the Registrar, viewed as a whole, provide robust assurances against the risks associated with unmonitored visits and communications with family members and pre-approved visitors with a view to minimising the risks of obstruction and commission of further crimes.[57] Moreover, they offer a controlled environment where a potential breach of confidentiality could be more easily identified and prevented.[58]

36. In light of the foregoing, the Panel finds that the risks of obstructing the proceedings and committing further offences can only be effectively managed at

[54] Twenty-Seventh Detention Decision, para. 46; Twenty-First Detention Decision, para. 60; F02445, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Sixteenth Detention Decision"), 15 July 2024, paras 33-35.
[55] Twenty-Seventh Detention Decision, para. 46; Twenty-First Detention Decision, paras 56-64.
[56] Twenty-First Detention Decision, para. 63.
[57] Twenty-First Detention Decision, para. 61.
[58] Twenty-First Detention Decision, para. 61.

this stage of the proceedings if Mr Krasniqi remains at the SC Detention Facilities. In these circumstances, the Panel finds that there are no alternatives to Mr Krasniqi's continued detention capable of adequately averting the risks in Article 41(6)(b)(ii) and (iii).

C. REASONABLENESS OF DETENTION

37. The SPO argues that, taking all factors into consideration, Mr Krasniqi's detention remains proportional.[59] To that end, the SPO refers to the Panel's previous findings that: (i) Mr Krasniqi is charged with ten counts of serious international crimes in which he is alleged to play a significant role; (ii) if convicted, he could face a lengthy sentence; (iii) the continuing risks under Article 41(6)(b)(ii) and (iii) cannot be sufficiently mitigated by the application of reasonable alternative measures; (iv) the case against Mr Krasniqi is complex; and (v) a climate of witness intimidation exists.[60]

38. The Panel is cognisant that the duration of time in detention is a factor that needs to be considered, along with the degree of the risks described in Article 41(6)(b), in order to determine whether, all factors being considered, the continued detention "stops being reasonable" and the individual needs to be released.[61]

39. The Panel recalls and reiterates the special features in this case, namely that: (i) Mr Krasniqi is charged with ten counts of serious international crimes in which he is alleged to play a significant role;[62] (ii) if convicted, Mr Krasniqi could face a lengthy sentence; (iii) the continuing risks under Article 41(6)(b)(ii) and (iii) cannot

[59] SPO Submissions, paras 28-30.
[60] SPO Submissions, para. 29.
[61] Seventh Detention Decision, para. 43, *referring to* First Appeals Decision on Krasniqi's Detention, para. 69.
[62] Confirmed Indictment, paras 10-12, 32, 39-40, 44, 49, 53, 55-57, 176-177.

be sufficiently mitigated by the application of reasonable alternative measures;[63] (iv) the case against Mr Krasniqi is complex;[64] and (v) the climate of witness intimidation outlined above continues to exist.

In light of the above, the Panel therefore finds that Mr Krasniqi's detention for a further two months is necessary and reasonable in the specific circumstances of the case. The Panel acknowledges that Mr Krasniqi has already been in detention for a significant period of time, and that the trial in this case is lengthy. As the Panel previously indicated,[65] this will require the Panel to be particularly mindful of the need to ensure that the proceedings proceed as expeditiously as possible. The Panel will continue to monitor at every stage in these proceedings whether continued detention is necessary and reasonable.

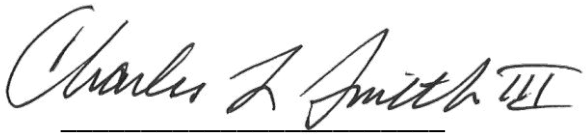
V. NEXT REVIEW OF DETENTION

40. The Panel notes that, in accordance with Article 41(10), the next review of Mr Krasniqi's detention is due in principle on Friday, 13 October 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, and in the event of either an acquittal or a finding of guilt, the Panel considers that it is not necessary, at this stage, to order the Parties to file submissions on the next review of Mr Krasniqi's detention.[66]

[63] *See above*, paras 31-36.
[64] *See e.g.*, Fifth Detention Decision, para. 58; Fourth Detention Decision, para. 81; Sixth Detention Decision, para. 59.
[65] *See e.g.*, F02313, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi*, 15 May 2024, para. 40; Twenty-Seventh Detention Decision, para. 56.
[66] *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.

VI. DISPOSITION

41. For the above-mentioned reasons, the Panel hereby **ORDERS** Mr Krasniqi's continued detention.



Judge Charles L. Smith, III
Presiding Judge

Dated this Tuesday, 15 September 2026
At The Hague, the Netherlands.