



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-06

**The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi,
and Jakup Krasniqi**

Before: Pre-Trial Judge

Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 19 September 2022

Language: English

Classification: Public

**Public Redacted Version of
Decision on Periodic Review of Detention of Jakup Krasniqi**

Specialist Prosecutor
Jack Smith

Counsel for Hashim Thaçi
Gregory Kehoe

Counsel for Victims
Simon Laws

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
David Young

Counsel for Jakup Krasniqi
Venkateswari Alagenda

THE PRE-TRIAL JUDGE,¹ pursuant to Article 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. On 4 November 2020, further to the confirmation of an indictment ("Confirmation Decision"),² Jakup Krasniqi ("Mr Krasniqi" or "Accused") was arrested pursuant to a decision and an arrest warrant issued by the Pre-Trial Judge.³

2. On 22 January 2021, the Pre-Trial Judge rejected Mr Krasniqi's application for interim release ("First Detention Decision").⁴

¹ KSC-BC-2020-06, F00001, President, *Decision Assigning a Pre-Trial Judge*, 23 April 2020, public.

² KSC-BC-2020-06, 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*. 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, public; F00134, 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. A confirmed amended indictment was filed on 29 April 2022 ("Confirmed Indictment"), strictly confidential and *ex parte* (F00789/A01), with confidential redacted (F00789/A02) and public redacted (F00789/A05) versions.

³ KSC-BC-2020-06, F00027/RED, Pre-Trial Judge, *Public Redacted Version of the Decision on Request for Arrest Warrants and Transfer Orders*, 26 October 2020, public; F00027/A07/COR/RED, *Public Redacted Version of Corrected Version of Arrest Warrant for Jakup Krasniqi*, 26 October 2020, public; F00044, Registrar, *Notification of Arrest of Jakup Krasniqi Pursuant to Rule 55(4)*, 4 November 2020, public.

⁴ KSC-BC-2020-06, F00180, Pre-Trial Judge, *Decision on Jakup Krasniqi's Application for Interim Release*, 22 January 2021, confidential. A public redacted version was issued on 26 January 2021, F00180/RED.

3. On 30 April 2021, the Court of Appeals upheld the First Detention Decision (“First Court of Appeals Decision”).⁵
4. On 25 June 2021, the Pre-Trial Judge ordered Mr Krasniqi’s continued detention (“Second Detention Decision”).⁶
5. On 1 October 2021, the Court of Appeals issued the decision on Mr Krasniqi’s appeal against the Second Detention Decision (“Second Court of Appeals Decision”),⁷ in which it, *inter alia*, remanded the Second Detention Decision to the Pre-Trial Judge for further consideration in order to assess whether the Kosovo Police can effectively enforce the conditions proposed by the Accused or any further condition identified by the Pre-Trial Judge as necessary to mitigate the identified risks.⁸
6. On 13 October 2021, the Pre-Trial Judge ordered the Registrar to provide information on the detention regime applicable to Mr Krasniqi at the Detention Facilities of the Specialist Chambers (“Registrar Order”).⁹ On 20 October 2021, the Registrar provided the information requested pursuant to the Registrar Order.¹⁰
7. On 26 October 2021, the Kosovo Police, further to an order by the Pre-Trial Judge,¹¹ provided information regarding: (i) the authority and capability of the Kosovo Police to restrict the movements of individuals subject to conditional

⁵ KSC-BC-2020-06, IA002/F00005, Court of Appeals, *Decision on Jakup Krasniqi’s Appeal Against Decision on Interim Release*, 30 April 2021, confidential. A public redacted version was issued on the same day, IA002/F00005/RED.

⁶ KSC-BC-2020-06, F00371, Pre-Trial Judge, *Decision on Review of Detention of Jakup Krasniqi*, 25 June 2021, confidential. A public redacted version was issued on 30 June 2021, F00371/RED.

⁷ KSC-BC-2020-06, IA006/F00005, Court of Appeals, *Decision on Jakup Krasniqi’s Appeal Against Decision on Review of Detention*, 1 October 2021, confidential. A public redacted version was issued on the same day, IA006/F00005/RED.

⁸ Second Court of Appeals Decision, paras 56-58.

⁹ KSC-BC-2020-06, F00522, Pre-Trial Judge, *Order to the Registrar to Provide Information on the Detention Regime*, 13 October 2021, confidential, para. 7.

¹⁰ KSC-BC-2020-06, F00536, Registrar, *Registry Submissions Pursuant to the Order to Provide Information on the Detention Regime (F00522)*, 20 October 2021, confidential. A public redacted version was filed on 29 November 2021, F00536/RED.

¹¹ KSC-BC-2020-06, F00513, Pre-Trial Judge, *Order to the Kosovo Police to Provide Information*, 8 October 2021, public, with Annex 1, confidential.

release, monitor and restrict such individuals' communications, administer house arrest, and the enforceability of conditions attaching to interim release; and (ii) previous instances of enforcing conditions attaching to the interim release or detention of persons accused of severe crimes ("KP Submissions").¹²

8. On 26 November 2021, the Pre-Trial Judge issued a decision whereby he confirmed the Second Detention Decision and ordered Mr Krasniqi's continued detention ("Third Detention Decision").¹³

9. On 25 March 2022, the Court of Appeals upheld the Third Detention Decision ("Third Court of Appeals Decision").¹⁴

10. On 13 May 2022, the Pre-Trial Judge ordered Mr Krasniqi's continued detention ("Fourth Detention Decision").¹⁵

11. On 25 May 2022, the Defence appealed the Fourth Detention Decision.¹⁶

12. On 21 June 2022, further to a request by, *inter alios*, Mr Krasniqi, who also waived the right to have his detention reviewed before the expiry of the two-month time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules,¹⁷

¹² KSC-BC-2020-06, F00548, Kosovo General Police Directorate, *Answer to the Request Number KSC-BC-2020-06, Dated 13 October 2021, 26 October 2021, confidential*. The translation into English of said submission was issued on 3 November 2021, F00548/eng.

¹³ KSC-BC-2020-06, F00582, Pre-Trial Judge, *Decision on Remanded Detention Review Decision and Periodic Review of Detention of Jakup Krasniqi*, 26 November 2021, confidential. A public redacted version was issued on 8 December 2021, F00582/RED.

¹⁴ KSC-BC-2020-06, IA016/F00005, Court of Appeals, *Decision on Jakup Krasniqi's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention*, 25 March 2022, confidential. A public redacted version was issued on the same day, IA016/F00005/RED.

¹⁵ KSC-BC-2020-06, F00801, Pre-Trial Judge, *Decision on Periodic Review of Detention of Jakup Krasniqi*, 13 May 2022, confidential and *ex parte*. A confidential redacted version was issued on the same day, F00801/CONF/RED. A public redacted version was issued on 24 May 2022, F00801/RED.

¹⁶ KSC-BC-2020-06, IA020/F00001, Specialist Counsel, *Krasniqi Defence Appeal Against Decision on Periodic Review of Detention of Jakup Krasniqi*, 25 May 2022, confidential, with Annex 1, public. A public redacted version was filed on 9 August 2022, IA020/F00001/RED.

¹⁷ KSC-BC-2020-06, F00833, Specialist Counsel, *Krasniqi Defence Request for Extension of Time for Submissions on Fourth Detention Review*, 9 June 2022, public, para. 4, with Annex 1, confidential.

the Pre-Trial Judge varied the time limits for submissions on the review of Mr Krasniqi's detention.¹⁸

13. On 2 August 2022, the Court of Appeals upheld the Fourth Detention Decision ("Fourth Court of Appeals Decision").¹⁹

14. On 24 August 2022, the Specialist Prosecutor's Office ("SPO") filed its submissions on the review of Mr Krasniqi's detention ("SPO Submissions").²⁰ On 5 September 2022, the Defence responded ("Defence Response").²¹

II. SUBMISSIONS

15. The SPO submits that, absent any change in circumstances since the Fourth Court of Appeals Decision, upholding the Fourth Detention Decision, the requirements under Article 41(6) of the Law remain satisfied.²² In particular, the SPO submits that: (i) the Pre-Trial Judge's finding of a continued grounded suspicion that Mr Krasniqi has committed crimes within the SC's subject-matter jurisdiction continues to stand;²³ (ii) the risks previously identified, namely of flight, obstruction to progress of proceedings of the Specialist Chambers ("SC"), and/or committing further crimes similar to those charged, continue to exist;²⁴ (iii) no alternative measures to detention exist that would sufficiently mitigate

¹⁸ KSC-BC-2020-06, F00851, Pre-Trial Judge, *Decision on Defence Requests for Extension of Time for Submissions on Fourth Review of Detention*, 21 June 2022, public, para. 10.

¹⁹ KSC-BC-2020-06, IA020/F00005, Court of Appeals, *Decision on Jakup Krasniqi's Appeal Against Decision on Periodic Review of Detention*, 2 August 2022, confidential. A public redacted version was issued on the same day, IA020/F00005/RED.

²⁰ KSC-BC-2020-06, F00935, Specialist Prosecutor, *Prosecution Submissions on Detention Review of Mr Krasniqi*, 24 August 2022, confidential. A public redacted version was filed on 6 September 2022, F00935/RED.

²¹ KSC-BC-2020-06, F00953, Specialist Counsel, *Krasniqi Defence Response to Prosecution Submissions on Detention Review of Mr Krasniqi (F00935)*, 5 September 2022, confidential.

²² SPO Submissions, paras 1-2, 5-6, 8.

²³ SPO Submissions, para. 6 (*referring to* Fourth Detention Decision, para. 38).

²⁴ SPO Submissions, paras 1, 8-9.

these risks;²⁵ and (iv) the continued detention of Mr Krasniqi remains proportionate.²⁶

16. The Defence requests that Mr Krasniqi be released subject to such conditions as the Pre-Trial Judge may deem appropriate.²⁷ The Defence argues, in particular, that the SPO fails to provide sufficient and up-to-date evidence in support of the existence of a risk under Article 41(6)(b) of the Law.²⁸ Moreover, it avers that detention is no longer proportionate in light of its length hitherto, Mr Krasniqi's age, and the lack of diligence by the SPO in the disclosure process which, according to the Defence, hampers the procedural progression of the case.²⁹

III. APPLICABLE LAW

17. Pursuant to Article 41(6) of the Law, the SC shall only order the detention of a person when there is a grounded suspicion that the person has committed a crime within the jurisdiction of the SC, and there are articulable grounds to believe that the person: (i) is a flight risk; (ii) will destroy, hide, change or forge evidence of a crime; or specific circumstances indicate that the person will obstruct the progress of criminal proceedings; or (iii) will repeat the criminal offence, complete an attempted crime or commit a crime which he or she has threatened to commit.

18. Pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, until a judgment is final or until release, upon the expiry of two (2) months from the last ruling on detention on remand, the Pre-Trial Judge or Panel seized with the case shall examine whether reasons for detention on remand still exist and render a ruling by which detention on remand is extended or terminated.

²⁵ SPO Submissions, paras 1-2, 10-11.

²⁶ SPO Submissions, paras 2, 12-13.

²⁷ Defence Response, para. 20.

²⁸ Defence Response, paras 2-3, 10-15.

²⁹ Defence Response, paras 4, 17-19, with further references.

19. Pursuant to Article 41(12) of the Law, in addition to detention on remand, the following measures may be ordered to ensure the presence of the accused, to prevent reoffending or ensure successful conduct of criminal proceedings: summons, arrest, bail, house detention, promise not to leave residence, prohibition on approaching specific places or persons, attendance at police station or other venue, and diversion.

20. Pursuant to Rule 56(2) of the Rules, the Panel shall ensure that a person is not detained for an unreasonable period prior to the opening of the case and, in case of an undue delay caused by the Specialist Prosecutor, the Panel, having heard the Parties, may release the person under conditions as deemed appropriate.

IV. DISCUSSION

A. APPLICABLE STANDARD

21. In examining whether the reasons for detention on remand still exist, pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, the Pre-Trial Judge adopts the standard established in previous decisions.³⁰

B. GROUNDED SUSPICION

22. As regards the threshold for continued detention, Article 41(6)(a) of the Law requires at the outset a grounded suspicion that the detained person has committed a crime within the SC's jurisdiction. This is a *conditio sine qua non* for the validity of the detained person's continued detention.³¹

23. According to the SPO, the Pre-Trial Judge's finding of a continued grounded suspicion that Mr Krasniqi has committed crimes within the SC's subject-matter

³⁰ See, among many others, Third Detention Decision, para. 28, with further references.

³¹ ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, [Judgment](#), 28 November 2017, para. 222, with further references.

jurisdiction, continues to stand absent any change in circumstances.³² The Defence has not made submissions regarding this criterion in the Defence Response.

24. The Pre-Trial Judge recalls that, in the Confirmation Decision, it was determined that, pursuant to Article 39(2) of the Law, there is 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) of the Law.³³ Moreover, the Pre-Trial Judge recalls that a well-grounded suspicion has also been established with regard to the new charges brought by the SPO against Mr Krasniqi with the requested amendments to the indictment.³⁴ These findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a) of the Law.³⁵

25. Accordingly, and absent any change in circumstances in this regard since the Confirmation Decision and the confirmation of the amendments to the indictment,³⁶ the Pre-Trial Judge finds that the requirement set forth in Article 41(6)(a) and (10) of the Law continues to be met.

C. NECESSITY OF DETENTION

26. Once the threshold in Article 41(6)(a) of the Law is met, the grounds that would justify the deprivation of a person's liberty must be articulable in the sense

³² SPO Submissions, para. 6 (*referring to* Fourth Detention Decision, para. 38).

³³ Confirmation Decision, para. 521(a)(i)-(ii).

³⁴ Fourth Detention Decision, para. 38; KSC-BC-2020-06, 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) and a public redacted version (F00777/RED) were filed, respectively, on 22 April 2022 and 6 May 2022. The requested amendments are detailed at para. 11.

³⁵ See, for example, KSC-BC-2020-04, F00007/RED, Pre-Trial Judge, *Public Redacted Version of the Decision on the Confirmation of the Indictment Against Pjetër Shala*, 12 June 2020, public, para. 35.

³⁶ See fn. 34 above.

that they must be specified in detail.³⁷ The Pre-Trial Judge further recalls that, on the basis of the available evidence, the specific articulable grounds must support the “belief”³⁸ that any of the risks under the three limbs of Article 41(6)(b) of the Law exists, denoting an acceptance of the possibility, not the inevitability, of a future occurrence.³⁹ In other words, the standard to be applied is less than certainty, but more than a mere possibility of a risk materialising.⁴⁰ Lastly, when deciding on whether a person should be released or detained, the Pre-Trial Judge must consider alternative measures to prevent the risks in Article 41(6)(b) of the Law.⁴¹

1. Risk of Flight

27. According to the SPO, absent any change in circumstances since the Fourth Detention Decision, Mr Krasniqi continues to pose a risk of flight, as he still has an incentive and the means to evade the proceedings.⁴²

28. The Defence replies, in particular, that the SPO’s submission that Mr Krasniqi has been repeatedly found to be a flight risk, overstates Mr Krasniqi’s present means and influence in Kosovo. In addition, the Defence claims that these “repeated findings” are not based on sufficiently recent evidence.⁴³

³⁷ KSC-BC-2020-06, IA001/F00005, Court of Appeals, *Decision on Kadri Veseli’s Appeal Against Decision on Interim Release*, 30 April 2021, public, paras 18-19; First Detention Decision, para. 18.

³⁸ See *chapeau* of Article 41(6)(b) of the Law.

³⁹ First Detention Decision, para. 18; see also KSC-BC-2020-05, F00127, Trial Panel I, *Fourth Decision on Review of Detention*, 25 May 2021, public, para. 17, with further references.

⁴⁰ First Court of Appeals Decision, para. 26.

⁴¹ 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*, 26 April 2017, public, para. 114. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC] (“*Buzadji v. the Republic of Moldova* [GC]”), no. 23755/07, [Judgment](#), 5 July 2016, para. 87 *in fine*; *Idalov v. Russia* [GC], no. 5826/03, [Judgment](#), 22 May 2012, para. 140 *in fine*.

⁴² SPO Submissions, para. 8 (*referring to* Fourth Detention Decision, paras 42-43).

⁴³ Defence Response, para. 13, with further references.

29. Having examined, as they currently stand, the factors and circumstances regarding a risk of flight invoked in the decisions reviewing Mr Krasniqi's detention, the Pre-Trial Judge remains satisfied that they continue to exist. More specifically, the Pre-Trial Judge considers that Mr Krasniqi: (i) has been made aware of the charges against him and the possibility of a serious sentence in the event of a conviction;⁴⁴ and (ii) even though Mr Krasniqi is now retired and no longer holds public positions,⁴⁵ he continues to play a significant role in Kosovo on the basis of the previous positions he occupied.⁴⁶ With respect to the latter, as well as the Defence's submissions in this regard,⁴⁷ the Pre-Trial Judge recalls the Court of Appeals findings that the Pre-Trial Judge did not err in finding that Mr Krasniqi continues to enjoy an influential position in Kosovo due to his former functions.⁴⁸ Hence, the Pre-Trial Judge still considers that there is the incentive and means to evade proceedings. In particular, the influence Mr Krasniqi continues to derive from these roles may assist him in evading SC proceedings by, for instance, securing access to relevant information, and obtaining funds and means to travel.⁴⁹

30. On this basis, and notwithstanding the counter-balancing factors identified in the First Detention Decision,⁵⁰ the Pre-Trial Judge finds that a moderate risk of flight in relation to Mr Krasniqi continues to exist.

⁴⁴ First Detention Decision, para. 29; Second Detention Decision, para. 29; Third Detention Decision, para. 37; Fourth Detention Decision, para. 42.

⁴⁵ See also First Detention Decision, para. 36.

⁴⁶ Second Detention Decision, para. 36; Third Detention Decision, para. 37; Fourth Detention Decision, para. 42.

⁴⁷ Defence Response, para. 13; see also KSC-BC-2020-06, F00329, Specialist Counsel, *Krasniqi Defence Submissions on Detention Review*, 31 May 2021, confidential, para. 29(a) (a public redacted version was filed on 30 June 2021, F00329/RED); IA002/F00001, Specialist Counsel, *Krasniqi Defence Appeal Against Decision on Jakup Krasniqi's Application for Interim Release*, 3 February 2021, confidential, para. 29, with Annex 1, confidential (a public redacted version was filed on the same day, IA002-F00001/RED).

⁴⁸ First Court of Appeals Decision, para. 52; Second Court of Appeals Decision, para. 27.

⁴⁹ Fourth Detention Decision, para. 42.

⁵⁰ First Detention Decision, para. 30.

2. Risk of Obstructing the Progress of SC Proceedings

31. According to the SPO, a risk of obstruction remains, considering that Mr Krasniqi maintains his position of influence, and considering, *inter alia*: (i) prior statements made by him; (ii) an already established [REDACTED]; and (iii) his increasing insight into evidence underpinning the charges against him.⁵¹ The SPO further submits that these factors must be considered in the persisting climate of witness intimidation and interference in criminal proceedings involving KLA members.⁵²

32. The Defence argues that there is no evidence of any attempt by, or on behalf of, Mr Krasniqi to interfere with witnesses or to otherwise obstruct SC proceedings. In particular, the Defence avers that none of the witness statements or interview transcripts disclosed to the Defence indicates such interference.⁵³ Moreover, the Defence avers that the SPO has failed to present specific, evidence-based arguments that would support the existence of a climate of witness intimidation and interference in Kosovo.⁵⁴

33. The Pre-Trial Judge recalls his previous findings that there is a risk of Mr Krasniqi obstructing SC proceedings based on, *inter alia*, his position of influence, his public statements criticising the SC, the content of a 24 April 2020 Facebook post targeting “collaborators” and [REDACTED].⁵⁵ Thus, and contrary to the Defence’s submissions,⁵⁶ the Pre-Trial Judge’s findings are not based solely on a single social media post.

⁵¹ SPO Submissions, para. 8 (*referring to* Fourth Detention Decision, paras 48-51).

⁵² SPO Submissions, para. 8.

⁵³ Defence Response, paras 3, 14-15.

⁵⁴ Defence Response, para. 12.

⁵⁵ First Detention Decision, paras 36, 39; Second Detention Decision, paras 35, 37; Third Detention Decision, paras 42-43. *See also* Fourth Detention Decision, para. 48; Second Court of Appeals Decision, para. 30.

⁵⁶ Defence Response, para. 14.

34. Furthermore, as a former political leader and former KLA deputy commander, Mr Krasniqi still holds a position of influence in Kosovo,⁵⁷ which, [REDACTED], allows for the reasonable conclusion that it is possible⁵⁸ for Mr Krasniqi to [REDACTED].⁵⁹

35. The Pre-Trial Judge maintains his view that there is a persisting climate of intimidation of witnesses and interference with criminal proceedings against former KLA members in Kosovo, which, even though not determinative in and of itself, provides the context against which Mr Krasniqi's [REDACTED] and his position of influence must be considered.⁶⁰ As regards the Defence's argument that this finding is not based on sufficient evidence,⁶¹ the Pre-Trial Judge recalls that in relation to the assessment of previously proposed conditions of interim release, the Court of Appeals confirmed that the persisting climate of witness intimidation and interference in Kosovo are relevant "contextual considerations".⁶² As regards the Defence's argument that there is no evidence of any attempt of interference or obstruction by, or on behalf of, Mr Krasniqi,⁶³ the Pre-Trial Judge still considers that whether the Accused has not been previously accused of involvement in witness interference⁶⁴ does not alleviate the risk of obstruction.⁶⁵ In particular, the Pre-Trial Judge recalls that the risk of obstruction need not materialise in an Accused personally tampering with evidence or exerting influence or pressure on

⁵⁷ First Court of Appeals Decision, para. 52; Second Detention Decision, para. 36; Second Court of Appeals Decision, para. 27; Third Detention Decision, para. 44; Fourth Detention Decision, para. 49.

⁵⁸ First Court of Appeals Decision, para. 26.

⁵⁹ Second Detention Decision, para. 38; Fourth Detention Decision, para. 49.

⁶⁰ First Detention Decision, para. 38; Second Detention Decision, para. 38; Third Detention Decision, para. 45; Fourth Detention Decision, para. 50.

⁶¹ Defence Response, para. 14.

⁶² See KSC-BC-2020-06, IA015/F00005, Court of Appeals, *Decision on Rexhep Selimi's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention*, 25 March 2022, confidential, para. 43. A public redacted version was filed on the same day, IA015/F00005/RED.

⁶³ Defence Response, para. 15.

⁶⁴ Defence Response, paras 3, 12, 15.

⁶⁵ Third Court of Appeals Decision, footnote 73; Fourth Detention Decision, para. 50.

witnesses. It suffices that an Accused instigates others or contributes in any way to the materialisation of that risk.⁶⁶

36. Furthermore, the Pre-Trial Judge remains persuaded that protective measures in place are not entirely sufficient to mitigate the risk of obstruction, considering that, notwithstanding the adoption of numerous decisions on protective measures, [REDACTED] and, irrespective of these measures, [REDACTED].⁶⁷ Moreover, as previously established,⁶⁸ in view of the fact that Mr Krasniqi is [REDACTED] and continues to play a significant role in Kosovo, his increased insight into the evidence underpinning the serious charges against him – in particular following the filing of the SPO's pre-trial brief and witness list after the Third Detention Decision⁶⁹ – increased the risk of obstruction. Lastly, the Pre-Trial Judge considers that following the Fourth Detention Decision, Mr Krasniqi has been provided with further details as to the case against him, in particular following the filing of a lesser redacted version of the witness list⁷⁰ and the witness list including the mode of questioning and presentation times.⁷¹

37. Accordingly, the Pre-Trial Judge finds that the risk that Mr Krasniqi will obstruct SC proceedings continues to exist.

⁶⁶ Fourth Detention Decision, para. 50; KSC-BC-2020-06, IA003/F00005, Court of Appeals, *Decision on Rexhep Selimi's Appeal Against Decision on Interim Release*, 30 April 2021, confidential, para. 59. A public redacted version was filed on the same day, IA003/F00005/RED.

⁶⁷ Second Detention Decision, para. 39; Second Court of Appeals Decision, paras 34-35; Third Detention Decision, para. 46; Fourth Detention Decision, para. 51.

⁶⁸ Fourth Detention Decision, para. 51.

⁶⁹ KSC-BC-2020-06, F00631, Specialist Prosecutor, *Submission of Pre-Trial Brief with Witness and Exhibit Lists*, 17 December 2021, confidential, with Annexes 1-3, strictly confidential and *ex parte*. A public redacted version with confidential redacted Annexes 1-3 was filed on 21 December 2021, F00631/RED. A corrigendum with two strictly confidential and *ex parte* Annexes and one confidential Annex was submitted on 24 February 2022, F00709.

⁷⁰ KSC-BC-2020-06, F00885, Specialist Prosecutor, *Prosecution Submission of Corrected and Lesser Redacted Witness List*, 18 July 2022, public, with Annex 1, strictly confidential and *ex parte*, and Annex 2, confidential.

⁷¹ KSC-BC-2020-06, F00948, Specialist Prosecutor, *Prosecution Submission of Revised Witness List ("Revised Witness List")*, 2 September 2022, public, with Annex 1, strictly confidential and *ex parte*, and Annexes 2-3, confidential.

3. Risk of Committing Further Crimes

38. For the same reasons as set out in relation to the risk of obstructing proceedings, the SPO avers that the risk of Mr Krasniqi committing further crimes continues to exist.⁷²

39. The Defence submits that there is insufficient evidence of a sufficiently real possibility that, if released, Mr Krasniqi would commit further crimes.⁷³

40. The Pre-Trial Judge recalls that, even though the existence of a risk of obstruction does not automatically translate into a risk of committing further crimes, the factors underpinning the former are of relevance to the assessment of the latter in the circumstances of the present case.⁷⁴ It is further recalled that it suffices that Mr Krasniqi instigates or assists others to commit such crimes, or contributes in any other way to their commission; he does not need to physically execute such acts.⁷⁵

41. Turning to the facts under consideration, the Pre-Trial Judge recalls his previous findings that, besides the climate of witness intimidation, Mr Krasniqi has: (i) [REDACTED];⁷⁶ (ii) a position of influence in Kosovo which could allow him to [REDACTED];⁷⁷ and (iii) an increased account of the SPO's case against him, in particular following the filing of a lesser redacted version of the witness list and the witness list including the mode of questioning and presentation times.⁷⁸

⁷² SPO Submissions, para. 8 (*referring to* Fourth Detention Decision, paras 55-56).

⁷³ Defence Response, para. 14.

⁷⁴ First Detention Decision, para. 42; Second Detention Decision, para. 42; Third Detention Decision, para. 50; Fourth Detention Decision, para. 54.

⁷⁵ First Detention Decision, para. 42; Second Detention Decision, para. 42; Third Detention Decision, para. 50; Fourth Detention Decision, para. 54.

⁷⁶ Fourth Detention Decision, para. 55.

⁷⁷ [REDACTED].

⁷⁸ See para. 36 and fns 70-71 above.

42. On this basis, and having examined the circumstances as they currently stand, the Pre-Trial Judge considers that there continues to be a risk that Mr Krasniqi will, under any form of responsibility, commit crimes similar to the underlying acts charged against those perceived as being opposed to the KLA, including witnesses who have provided or could provide evidence in the case and/or are due to appear before the SC.

43. Accordingly, the Pre-Trial Judge concludes that the risk remains that Mr Krasniqi will commit further crimes.

4. Other Defence Challenges

44. As regards the Defence's claims that these "repeated findings" are not based on sufficiently recent evidence, and that repetition of the same findings is insufficient to justify continued detention,⁷⁹ the Pre-Trial Judge recalls the Court of Appeals findings according to which: (i) the Pre-Trial Judge is not required to make findings on the factors already decided upon in the initial ruling on detention; and (ii) what is crucial is that the Pre-Trial Judge is satisfied that, at the time of the review decision, grounds for continued detention still exist.⁸⁰ With respect to the findings in the preceding paragraphs, and as stated therein, the Pre-Trial Judge emphasises that the above-made conclusions on the risks have been drawn based on an examination of the factors and circumstances as they currently stand.

⁷⁹ Defence Response, paras 13-14, with further references.

⁸⁰ See, in particular, KSC-BC-2020-07, IA002-F00005, Court of Appeals, *Decision on Nasim Haradinaj's Appeal Against Decision Reviewing Detention*, 9 February 2021, public, para. 55; Second Court of Appeals Decision, paras 14-17.

45. As regards the jurisprudence of the European Court of Human Rights (ECtHR) cited by the Defence,⁸¹ the Pre-Trial Judge notes the ECtHR's findings that: (i) after a certain lapse of time, the persistence of a reasonable suspicion that the person has committed a crime, no longer suffices for the validity of continued detention; and (ii) that the ECtHR must then establish whether other grounds cited by the judicial authorities continued to justify the deprivation of liberty, and, where such grounds were "relevant" and "sufficient", whether the national authorities displayed "special diligence" in the conduct of the proceedings.⁸² In this regard, the Pre-Trial Judge recalls that, pursuant to Article 41(6) of the Law, the previous detention reviews as well as the present one are not limited to examining whether there is a grounded suspicion that Mr Krasniqi has committed a crime within the SC's jurisdiction. They also examine whether, and conclude that, there are articulable grounds to believe that at least one of the risks mentioned in Article 41(6)(b) of the Law exists. Therefore, the Pre-Trial Judge considers that this jurisprudence does not support the Defence's claims.

5. Conclusion

46. The Pre-Trial Judge concludes that there remains a moderate risk that Mr Krasniqi will flee, and that there remains a risk that Mr Krasniqi will obstruct the progress of proceedings, or commit further offences against those perceived as being opposed to the KLA, including witnesses who have provided or could provide evidence in the case and/or are due to appear before the SC. The Pre-Trial

⁸¹ See Defence Response, fn. 20, referring to ECtHR, *Shmorgunov and Others v. Ukraine* ("*Shmorgunov et al. v. Ukraine*"), no. 15367/14, [Judgment](#), 21 January 2021, para. 462; ECtHR, *Dereci v. Turkey* ("*Dereci v. Turkey*"), no. 77845/01, [Judgment](#), 24 May 2005, paras 35-38.

⁸² *Shmorgunov et al. v. Ukraine*, para. 462; *Dereci v. Turkey*, para. 36. It is also noted that in *Dereci v. Turkey*, the ECtHR found that the national judicial authorities failed to indicate to what extent the applicant's release would have posed a risk after, by then, well over six years of detention, see *Dereci v. Turkey*, para. 39.

Judge will assess below whether these risks can be adequately addressed by any conditions for his release.

D. CONDITIONAL RELEASE

47. The SPO submits that all reasonable, realistic alternatives to detention in the SC Detention Facilities have already been duly considered and rightfully rejected. According to the SPO, no alternative measures would sufficiently mitigate all the risks under Article 41(6)(b) of the Law, posed by the Accused.⁸³

48. The Defence does not propose specific alternatives or conditions, but reiterates that Mr Krasniqi would be willing to abide by any condition imposed by the Pre-Trial Judge.⁸⁴

49. As found in previous detention decisions, the Pre-Trial Judge considers that the risk of flight can be sufficiently mitigated on the basis that Mr Krasniqi has committed himself to return to the SC whenever summonsed, not to change his place of residence and report regularly to the relevant authorities.⁸⁵ This conclusion is underscored by the guarantees provided by the Kosovo Police that they are authorised and capable of ensuring that an individual subject to conditional release reports to the Kosovo Police, surrenders documents allowing him to travel, and returns to the SC whenever ordered to do so by the Pre-Trial Judge for the purposes of the proceedings in relation to him.⁸⁶

50. Turning to the risks of obstructing the progress of SC proceedings and committing further crimes, the Pre-Trial Judge recalls, at the outset: (i) his previous finding that neither the previously proposed conditions nor any

⁸³ SPO Submissions, paras 10-11 (*referring to* Third Court of Appeals Decision, para. 33; Fourth Detention Decision, paras 66-69; Fourth Court of Appeals Decision, paras 29-35).

⁸⁴ Defence Response, para. 16, with further references.

⁸⁵ First Detention Decision, para. 48; Second Detention Decision, para. 49; Third Detention Decision, para. 67; Fourth Detention Decision, para. 65.

⁸⁶ Third Detention Decision, para. 67; Fourth Detention Decision, para. 65; KP Submissions, pp. 2-4, 6.

additional measures ordered *proprio motu* could sufficiently mitigate the existing risks;⁸⁷ and (ii) that this finding was recently upheld by the Court of Appeals.⁸⁸

51. With regard to potential additional measures, the Pre-Trial Judge further recalls that: (i) the obligation for the Pre-Trial Judge to inquire and evaluate, *proprio motu*, all reasonable conditions and not just those raised by the Defence, is not limitless; and (ii) he is not required to raise all possible conditions *proprio motu*, if these were neither widely used in the context of interim release nor raised by the Parties.⁸⁹ In the absence of any intervening developments regarding this matter, the Pre-Trial Judge still considers that, on the basis of the available information as to the capacity of the Kosovo Police to implement monitoring measures, no (additional) measures, which could be reasonably considered, could sufficiently mitigate the identified risks.⁹⁰

52. The Pre-Trial Judge recalls that the measures in place at the SC Detention Facilities, viewed as a whole, provide robust assurances against 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.⁹¹ Moreover, they offer a controlled environment where a potential breach of confidentiality could be more easily identified and/or prevented.⁹² Recalling that it is within the Pre-Trial Judge's discretion to compare the conditions (previously) proposed by the Defence, or any other possible conditions, with the conditions in the SC Detention Facilities,⁹³ the Pre-Trial Judge remains persuaded that it is only through the communication monitoring framework applicable at the SC Detention

⁸⁷ Fourth Detention Decision, paras 66-71.

⁸⁸ Fourth Court of Appeals Decision, para. 39.

⁸⁹ Third Court of Appeals Decision, para. 42; Fourth Detention Decision, para. 70; Fourth Court of Appeals Decision, para. 37.

⁹⁰ *See also* Third Court of Appeals Decision, para. 42; Fourth Detention Decision, para. 70; Fourth Court of Appeals Decision, para. 39.

⁹¹ Third Detention Decision, para. 77; Fourth Detention Decision, para. 71.

⁹² Third Court of Appeals Decision, para. 30; Fourth Detention Decision, para. 71.

⁹³ Third Court of Appeals Decision, para. 26; Fourth Detention Decision, para. 71; Fourth Court of Appeals Decision, para. 30.

Facilities that Mr Krasniqi's communications can be restricted in a manner to sufficiently mitigate the aforementioned risks.

53. Accordingly, the Pre-Trial Judge finds that neither the conditions previously proposed by the Defence nor any other conditions imposed *proprio motu* could sufficiently mitigate the risk of Mr Krasniqi obstructing the progress of SC proceedings or committing further crimes.

E. PROPORTIONALITY OF DETENTION

54. The SPO argues that Mr Krasniqi's continued detention is reasonable in light of: (i) the progress of the case towards trial, in particular as key milestones in the pre-trial stage have either been met (such as the submission of the SPO's pre-trial brief) or will be imminently met; (ii) the case's scope and complexity; (iii) the potential lengthy custodial sentence in case of conviction; and (iv) the risks posed by Mr Krasniqi.⁹⁴

55. The Defence avers that detention is no longer proportionate in light of its length hitherto, Mr Krasniqi's age, and the procedural progression of the case.⁹⁵ As regards the length of detention, the Defence specifically argues that: (i) Mr Krasniqi's detention is no longer proportionate as he has now been detained for more than 22 months; and (ii) that the SPO fails to adequately address the "extensive interference with Mr Krasniqi's right to liberty or the inherent impact on him personally".⁹⁶ As regards the procedural progression of the case, the Defence requests that the Pre-Trial Judge take into account that the SPO: (i) has yet to discharge its disclosure obligations; (ii) has not been fully diligent in the disclosure process; (iii) continues to request amendments to its witness and exhibit

⁹⁴ SPO Submissions, paras 12-13.

⁹⁵ Defence Response, paras 4, 17-19, with further references.

⁹⁶ Defence Response, para. 17.

lists; and (iv) has yet to obtain the necessary clearances for Rule 107 documents.⁹⁷ Lastly, the Defence avers that the SPO has failed to take steps within its control to alleviate the complexities of the case and to ensure that the case can progress and be transmitted to the trial panel.⁹⁸

56. At the outset, the Pre-Trial Judge recalls the importance of the proportionality principle in the determination of the reasonableness of pre-trial detention, as reflected in Rule 56(2) of the Rules.⁹⁹ The duration of time in detention pending trial is a factor that needs to be considered along with the degree of the risks that are described in Article 41(6)(b) of the Law, in order to determine whether, all factors being considered, the continued detention “stops being reasonable” and the individual needs to be released.¹⁰⁰ The Pre-Trial Judge notes that the question of whether a period of time spent in pre-trial detention is reasonable cannot be assessed in the abstract. Whether it is reasonable for an accused to remain in detention must be assessed on the facts of each case and according to its specific features.¹⁰¹

57. Mr Krasniqi was arrested on 4 November 2020 and, as a result, he has been detained for slightly more than 22 months at the time of the present review of his detention. Accordingly, the Pre-Trial Judge will assess whether this period of time is reasonable in the specific circumstances relating to Mr Krasniqi.

58. The Pre-Trial Judge recalls that: (i) Mr Krasniqi is charged with ten counts of serious international crimes, namely persecution on political and/or ethnic grounds, imprisonment/illegal or arbitrary arrest and detention, other inhumane acts, cruel treatment, torture, murder, and enforced disappearance of persons;¹⁰²

⁹⁷ Defence Response, para. 18, with further references.

⁹⁸ Defence Response, para. 18.

⁹⁹ Fourth Detention Decision, para. 79; KSC-BC-2020-07, IA001/F00005, Court of Appeals, *Decision on Hysni Gucati's Appeal on Matters Related to Arrest and Detention*, 9 December 2020, public, paras 72-73.

¹⁰⁰ Fourth Detention Decision, para. 79. *Similarly*, First Court of Appeals Decision, para. 69.

¹⁰¹ Fourth Detention Decision, para. 79; ECtHR, [Buzadji v. the Republic of Moldova \[GC\]](#), para. 90.

¹⁰² Confirmed Indictment, para. 179.

(ii) it is alleged that Mr Krasniqi played a significant role in these crimes;¹⁰³
(iii) Mr Krasniqi could be sentenced to a lengthy sentence, if convicted;¹⁰⁴
(iv) proceedings against Mr Krasniqi are complex;¹⁰⁵ and (v) the risks under Article 41(6)(b)(ii) and (iii) of the Law cannot be mitigated by the proposed conditions and/or any additional conditions.¹⁰⁶

59. Moreover, all required procedural steps relating to the pre-trial phase of the present case have been, are being or will soon be completed with a view to transmitting the case for trial towards the end of the year.¹⁰⁷ In particular, following the Fourth Detention Decision: (i) the parties have engaged in *inter partes* discussions and made proposals on ways to streamline the case;¹⁰⁸ (ii) as regards Rule 103 material, the SPO provided notification of its completion of its review of materials registered between 31 January 2022 and 16 June 2022;¹⁰⁹

¹⁰³ Confirmed Indictment, paras 11, 32, 39-40, 44, 49, 53, 55-57, 178.

¹⁰⁴ Fourth Detention Decision, para. 81.

¹⁰⁵ Fourth Detention Decision, para. 81 (*referring to* Third Detention Decision, para. 95, *citing* ECtHR, *Shabani v. Switzerland*, *Shabani v. Switzerland*, no. 29044/06, [Judgment](#), 5 November 2009, paras 65, 69; ICTY, *Prosecutor v. Ademi*, IT-01-46-PT, [Order on Motion for Provisional Release](#), 20 February 2002, para. 26; ICTR, *Prosecutor v. Ndayambaje*, ICTR-98-42-T, [Decision on the Defence Motion for the Provisional Release of the Accused](#), 21 October 2002, para. 23; [Ngirumpatse Decision](#), para. 25). The Pre-Trial Judge also notes that the SPO intends to rely on [REDACTED] witnesses, *see* Annex 2 to Revised Witness List.

¹⁰⁶ *See* para. 53 above.

¹⁰⁷ In this regard, the Pre-Trial Judge recalls that, for the purposes of assessing the proportionality of Mr Krasniqi's detention, the actual length of time spent in pre-trial detention must be assessed as opposed to any estimates by the SPO that proved to be inaccurate, *see* Fourth Detention Decision, fn. 149 (*referring to* Third Detention Decision, para. 97).

¹⁰⁸ KSC-BC-2020-06, F00804, Specialist Counsel, *Thaçi Defence Submissions for the Twelfth Status Conference*, 18 May 2022, public, paras 22-27; F00805, Specialist Prosecutor, *Prosecution Submissions for Twelfth Status Conference*, 18 May 2022, public, paras 13-17; F00806, Specialist Counsel, *Veseli Defence Submissions for Twelfth Status Conference*, 18 May 2022, public, paras 32-34, with Annexes 1-2, confidential; F00807, Specialist Counsel, *Krasniqi Defence Submissions for Twelfth Status Conference*, 18 May 2022, public, paras 12-14; F00810, Specialist Counsel, *Krasniqi Defence Proposals for Streamlining the Case*, 20 May 2022, confidential; Transcript of Hearing, 20 May 2022, public, p. 1301, lines 19-22; p. 1302, lines 13-15; p. 1303, lines 7-9, lines 18-25; p. 1306, lines 5-7, lines 14-17; p. 1307, lines 4-12; p. 1312, lines 12-23.

¹⁰⁹ KSC-BC-2020-06, F00861, Specialist Prosecutor, *Third Prosecution Request for Protective Measures for Items Containing Rule 103 Information*, 30 June 2022, para. 1, strictly confidential and *ex parte*, with Annexes 1-9, strictly confidential and *ex parte*. A confidential redacted version was filed on 1 July 2022, F00861/CONF/RED. On 26 August 2022, the Pre-Trial Judge found that: (i) while disclosure for some exculpatory items could have taken place earlier, the disclosure effectuated in Disclosure Batches 160,

(iii) the SPO filed a revised list of witnesses, pursuant to Rule 95(4)(b) of the Rules, on 2 September 2022;¹¹⁰ (iv) according to the SPO, significant progress on securing clearance for Rule 107 material has been made and will be made by the end of September 2022;¹¹¹ (v) the Pre-Trial Judge ordered the SPO to supplement its Rule 109(c) chart by 30 September 2022;¹¹² (vi) in relation to currently pending Defence requests for the disclosure of Rule 102(3) material, the Pre-Trial Judge ordered the SPO to finalise its processing of these requests, to request protective measures or submit materiality challenges, and to disclose all material not subject to protective measures requests or materiality challenges by 30 September 2022,¹¹³ and to supplement its Rule 102(3) notice by 7 October 2022;¹¹⁴ (vii) the Defence's pre-trial briefs are due on 21 October 2022;¹¹⁵ (viii) the Defence's notices of alibi or grounds for excluding responsibility are due on 28 October 2022;¹¹⁶ (ix) the Pre-Trial Judge ordered the SPO to file a provisional list of the first 40 witnesses it intends to call at trial by 18 November 2022;¹¹⁷ (x) the Pre-Trial Judge ordered the Defence to provide, by the same date, any objections regarding the admissibility of evidentiary material disclosed (to the extent possible);¹¹⁸ and (xi) the Parties'

170, 174, 175 and 176 did not amount to a non-compliance of the SPO disclosure obligations under Rule 103 of the Rules warranting the adoption of measures; and (ii) thus, the threshold of non-compliance, within the meaning of Rule 110 of the Rules, had not been met, *see* KSC-BC-2020-06, F00936, Pre-Trial Judge, *Decision on Thaçi and Krasniqi Defence Motions Seeking Remedies for Non-Compliance with Disclosure Obligations*, 26 August 2022, confidential, para. 36. A public redacted version was issued on 13 September 2022, F00936/RED.

¹¹⁰ *See* fn. 71 above.

¹¹¹ KSC-BC-2020-06, F00952, Specialist Prosecutor, *Prosecution Submissions for Fourteenth Status Conference* ("SPO Submissions for Fourteenth Status Conference"), 5 September 2022, public, para. 7; KSC-BC-2020-06, Transcript of Hearing, 8 September 2022, public, p. 1507, lines 5-13.

¹¹² KSC-BC-2020-06, Transcript of Hearing, 13 July 2022, public, p. 1328, lines 18-24.

¹¹³ KSC-BC-2020-06, Transcript of Hearing, 20 May 2022, public, p. 1323, lines 16-25. According to the SPO, up until 5 September 2022, 80% of the total number of selected Rule 102(3) items have been resolved, *see* SPO Submissions for Fourteenth Status Conference, para. 3.

¹¹⁴ KSC-BC-2020-06, Transcript of Hearing, 13 July 2022, public, p. 1474, line 24 to p. 1475, line 2.

¹¹⁵ KSC-BC-2020-06, Transcript of Hearing, 20 May 2022, public, p. 1324, lines 1-6.

¹¹⁶ KSC-BC-2020-06, Transcript of Hearing, 8 September 2022, public, p. 1583, lines 7-13.

¹¹⁷ KSC-BC-2020-06, Transcript of Hearing, 8 September 2022, public, p. 1584, lines 9-12.

¹¹⁸ KSC-BC-2020-06, Transcript of Hearing, 8 September 2022, public, p. 1583, line 21 to p. 1584, line 2.

notices on points of agreement reached on issues of law and/or fact are also due on the same date.¹¹⁹

60. With deadlines having been set for almost all of the remaining obligations of the Parties during the pre-trial phase of the present case, it is anticipated that the present case will be ready for transmission to a Trial Panel towards the end of the year.

61. Furthermore, pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, Mr Krasniqi's detention shall be reviewed every two months or as soon as a change in circumstances arises.

62. [REDACTED],¹²⁰ [REDACTED],¹²¹ [REDACTED].

63. On this basis, the Pre-Trial Judge concludes that, for the purposes of the periodic review of the detention of Mr Krasniqi pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, the time Mr Krasniqi has spent in pre-trial detention is not disproportionate.

V. CLASSIFICATION

64. Noting that the SPO has filed a public redacted version of the SPO Submissions,¹²² the Pre-Trial Judge orders the Defence to submit a public redacted version of the Defence Response by no later than **Friday, 23 September 2022**.

¹¹⁹ KSC-BC-2020-06, Transcript of Hearing, 8 September 2022, public, p. 1583, lines 14-20.

¹²⁰ [REDACTED].

¹²¹ [REDACTED].

¹²² See fn. 20 above.

VI. DISPOSITION

65. For the above-mentioned reasons, the Pre-Trial Judge hereby:

- a) **ORDERS** Mr Krasniqi's continued detention;
- b) **ORDERS** Mr Krasniqi, if he so wishes, to file submissions on the next review of detention by no later than **Monday, 17 October 2022**, with responses and replies following the timeline set out in Rule 76 of the Rules;
- c) **ORDERS** the SPO, should Mr Krasniqi decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Krasniqi's detention by no later than **Monday, 24 October 2022**, and Mr Krasniqi, if he so wishes, to file his response by no later than **Monday, 31 October 2022**; and
- d) **ORDERS** the Defence to submit a public redacted version of the Defence Response by no later than **Friday, 23 September 2022**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Monday, 19 September 2022
At The Hague, the Netherlands.