



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-06

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

Before: Trial Panel II

Judge Charles L. Smith III, Presiding Judge

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

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Decision on Periodic Review of Detention of Kadri Veseli

Specialist Prosecutor's Office

Kimberly P. West

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagendra

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 (“Law”) and Rules 56(2) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. The procedural background concerning the periodic review of the detention of Kadri Veseli (“Mr Veseli” or “Accused”) has been set out extensively in previous decisions concerning the same. Relevant events since the twelfth review of Mr Veseli’s detention on 16 October 2023 (“Twelfth Detention Decision”)¹ include the below.

2. On 24 November 2023, the Specialist Prosecutor’s Office (“SPO”) filed its submissions on the thirteenth review of Mr Veseli’s detention (“SPO Submissions”).²

3. On 6 December 2023, the Defence for Mr Veseli (“Veseli Defence”) filed its response to the SPO’s Submissions (“Response”).³

4. The trial against Mr Veseli and his co-accused continues to progress.

II. SUBMISSIONS

5. The SPO submits that the Pre-Trial Judge, the Court of Appeals Panel and this Panel have each determined that Mr Veseli’s detention is justified on multiple occasions.⁴ The SPO argues that since the last decision on the review of Mr Veseli’s

¹ F01861, Panel, *Decision on Periodic Review of Detention of Kadri Veseli*, 16 October 2023.

² F01995, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Kadri Veseli*, 24 November 2023.

³ F01985, Specialist Counsel, *Veseli Defence Response to Prosecution Submission Pertaining to Periodic Detention Review of Kadri Veseli*, 6 December 2023, confidential.

⁴ SPO Submissions, para. 1.

detention, there has been no material change in circumstances that would warrant a different conclusion.⁵ It submits that the progression of the trial and significant recent developments enhance the need for current protections to remain in place.⁶ Lastly, the SPO avers that no conditions short of detention in the detention facilities would be sufficient to minimise risks associated with the Accused's release,⁷ and that detention remains proportional in the circumstances.⁸

6. The Defence submits that the SPO Submission warrant a response to correct misrepresentations with respect to the SPO's assertion that there are "significant recent developments" in support of the continued detention of Mr Veseli.⁹

III. APPLICABLE LAW

7. The law applicable to deciding the present matter is set out primarily in Article 41 of Law and Rules 56 and 57 of the Rules and has been laid out extensively in earlier decisions. The Panel will apply these standards to the present decision.¹⁰

IV. DISCUSSION

8. The purpose of the bi-monthly review of detention pursuant to Article 41(10) is to determine whether the reasons for detention on remand still exist.¹¹ A change

⁵ SPO Submissions, paras 1, 6.

⁶ SPO Submissions, paras 1, 26.

⁷ SPO Submissions, paras 1, 21-26.

⁸ SPO Submissions, paras 27-29.

⁹ Response, para. 4.

¹⁰ See, among many others, F00576, Pre-Trial Judge, *Decision on Remanded Detention Review Decision and Periodic Review of Detention of Kadri Veseli*, 23 November 2021, confidential, para. 41, with further references. A public redacted version was issued on 8 December 2021, F00576/RED.

¹¹ 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 date, IA022/F00005/RED.

in circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.¹²

9. The Panel's assessment is limited to a review of the factors previously considered pursuant to Article 41(6), and a determination of whether these circumstances continue to exist in the absence of any intervening developments and justify the continuation of Mr Veseli's detention.

A. ARTICLE 41 CRITERIA

1. Grounded Suspicion

10. As regards the threshold for continued detention, Article 41(6)(a) requires at the outset 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.¹³

11. The SPO submits that the Article 41(6)(a) criterion is still met. In its view, nothing has occurred since the confirmation decisions that would detract from the determination that there is a grounded suspicion that Mr Veseli is criminally liable for crimes contained in the amended indictment. The SPO further submits that it has been repeatedly confirmed that there remains a well-grounded suspicion that Mr Veseli has committed crimes within the SC's jurisdiction.¹⁴

12. The Panel notes that, pursuant to Article 39(2), the Pre-Trial Judge determined that there is a well-grounded suspicion that Mr Veseli is criminally liable for a number of crimes against humanity (persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance) and war crimes

¹² 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 date, IA010/F00008/RED.

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

¹⁴ SPO Submissions, para. 7.

(arbitrary detention, cruel treatment, torture and murder) under Articles 13, 14(1)(c) and 16(1)(a).¹⁵ Moreover, the Pre-Trial Judge found that a well-grounded suspicion is also established with regard to the new charges brought by the SPO against Mr Veseli with the requested amendments to the indictment.¹⁶ The Panel further recalls that these findings were made on the basis of a standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a).¹⁷

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

¹⁵ F00026, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte*, para. 521(a)(i)-(ii). A confidential redacted version was filed on 19 November 2020, F00026/CONF/RED. A public redacted version was filed on 30 November 2020, F00026/RED. The Specialist Prosecutor submitted the confirmed indictment in F00034, Specialist Prosecutor, *Submission of Confirmed Indictment and Related Requests*, 30 October 2020, confidential, with Annex 1, strictly confidential and *ex parte*, and Annexes 2-3, confidential; F00045/A03, Specialist Prosecutor, *Further Redacted Indictment*, 4 November 2020, 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 Specialist Prosecutor submitted a confidential, corrected, and lesser redacted version of the confirmed Indictment, F00647/A01.

¹⁶ 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. A confidential lesser redacted version was filed on 16 May 2022 (F00777/CONF/RED2). The requested amendments are detailed at para. 11. A confirmed amended indictment was then filed by the SPO on 29 April 2022 (“Confirmed Indictment”), strictly confidential and *ex parte* (F00789/A01), with confidential redacted (F00789/A02) and public redacted (F00789/A05) versions. A further confidential amended Confirmed Indictment was filed on 30 September 2022, (F00999/A01) and public redacted version (F00999/A03). A public lesser redacted version of the Confirmed Indictment was filed on 15 February 2023 (F01296/A03) and on 27 February 2023 (F01323/A01).

¹⁷ 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 filed on the same day, IA008/F00004/RED.

2. Necessity of Detention

14. 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 the further commission of crimes.¹⁸ Detention shall be maintained if there are articulable grounds to believe that one or more of these risks will materialise.¹⁹ The Panel notes that “articulable” in this context means specified in detail by reference to the relevant information or evidence.²⁰ In determining whether any of the grounds under Article 41(6)(b) allowing for a person’s detention exist, the standard to be applied is less than certainty, but more than a mere possibility of a risk materialising.²¹

(a) Risk of Flight

15. The SPO argues that Mr Veseli is now aware of the serious confirmed charges against him, the potential of a long sentence, and of the evidence to be presented in relation to those crimes. The SPO argues that the continuation of trial takes the risk of flight to a higher level. The SPO also submits that Mr Veseli has engaged in conduct prejudicial to the integrity of proceedings and security of witnesses.²² The SPO argues that while the Panel had previously credited Mr Veseli with cooperation with relevant authorities associated with his detention, this is not the

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

¹⁹ IA004/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi’s Appeal Against Decision on Interim Release* (“*Thaçi Interim Release Appeal Decision*”), 30 April 2021, confidential, para. 19. A public redacted version was issued on the same date, IA004/F00005/RED.

²⁰ 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”.

²¹ *Thaçi Interim Release Appeal Decision*, para. 22.

²² SPO Submission, para. 21.

“current state of affairs”.²³ Lastly, it submits that the combination of all these factors elevates Mr Veseli’s risk of flight to a “sufficiently real possibility”.²⁴

16. The Defence submits that the Panel has consistently found Mr Veseli’s continued detention to be incapable of justification on the ground of flight risk.²⁵ The Defence submits that none of the witnesses that have testified up to and including 13 November 2023 have advanced the case of the Prosecution against Mr Veseli and notes that the SPO fails to point to any specific evidence in this regard.²⁶ The Defence reiterates that the SPO has failed to specify any evidence that Mr Veseli has attempted to interfere with the integrity of the proceedings or compromise the security of witnesses.²⁷ The Defence also submits that the SPO has failed to provide any indication of what the “current state of affairs” entails or how it substantiates the claim that it would elevate Mr Veseli’s risk of flight to a sufficiently real possibility. As such, the Defence argues that the SPO’s submissions on Mr Veseli’s alleged risk of flight must be rejected as unsubstantiated and prejudicial.²⁸

17. The Panel has examined the arguments of the SPO, in light of the present stage of the proceedings, and reaffirms that it does not find any additional factor sufficiently persuasive to change its previous finding regarding the risk of flight.

18. As regards the SPO’s argument relating to the advancement of the proceedings, the Panel notes that the SPO’s general argument that the risk of flight increases in the context of the continuation of the trial is unpersuasive in the present circumstances. The fact that recent occurrences might undermine or undo the suggestion of full cooperation on the part of Mr Veseli would not bolster the

²³ SPO Submission, para. 21.

²⁴ SPO Submissions, para. 21.

²⁵ Response, para. 8.

²⁶ Response, para. 10.

²⁷ Response, para. 11.

²⁸ Response, para. 12.

suggestion that the risk of flight is increased by reason of this fact.²⁹ Therefore, the Panel considers that the SPO has failed to establish its claim of a “sufficiently real possibility” that the Accused will abscond if released based on the stage of the proceedings.³⁰

19. The Panel has examined the arguments of the SPO in light of the current stage of the proceedings, and while the risk of flight can never be completely ruled out, it reaffirms that it does not find any additional factor sufficiently compelling to persuade the Panel to change its previous finding regarding the risk of flight.

20. The Panel therefore finds that Mr Veseli’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

21. With reference to previous findings by the Panel, the SPO submits that Mr Veseli continues to present a risk of obstructing the proceedings.³¹ It argues that there is a persistent climate of intimidation of witnesses and interference with criminal proceedings against former Kosovo Liberation Army (“KLA”) members in Kosovo, which the Court of Appeals has agreed is a relevant “contextual consideration”.³² Furthermore, the SPO submits that Mr Veseli has received information concerning the witnesses the SPO intends to call in upcoming evidentiary blocks and will continue to receive such information every three months and the risk of obstruction increases as the remaining delayed disclosure witnesses have their identities lifted in the course of the trial.³³ In this regard, the SPO submits that the risk of confidential information being unlawfully revealed by

²⁹ SPO Submissions, para. 21.

³⁰ See *Thaçi* Interim Release Appeal Decision, para. 24.

³¹ SPO Submissions, paras 10-15.

³² SPO Submissions, para. 12.

³³ SPO Submissions, para. 12.

Mr Veseli has already been realised.³⁴ According to the SPO, this demonstrates that the risk of obstruction is well-founded, and that Mr Veseli's conduct is detrimental to the safety, security and well-being of witnesses, and directly prejudicial to the integrity of the proceedings.³⁵

22. The Defence submits that, regarding the SPO arguments of the alleged disclosure of confidential witness information by Mr Veseli, the Panel emphasised that it was not making any finding as to whether the Accused had in fact transgressed the Rules.³⁶ The Defence reiterates that it rejects the SPO's claims that Mr Veseli has "disseminated" the content of confidential testimony of protected witnesses.³⁷ Lastly, the Defence argues that the SPO's argument, which implies that Mr Veseli might either obstruct the proceedings or commit further crimes, based on new facts, is nothing more than groundless speculations.³⁸

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

24. The Panel has already determined and maintains the view that: (i) Mr Veseli has the ability to give instructions to an individual interacting with the SC and, in doing so, he directly intervened in a matter involving the SC; (ii) Mr Veseli continues to play a significant role in Kosovo on the basis of the previous positions he occupied, which would continue to allow him to, for instance, access information or elicit the support of others; (iii) while Mr Veseli was at the head of the Kosovo Intelligence Service ("SHIK"), members of SHIK were involved in witness interference; and (iv) the advancement of the trial proceedings provides

³⁴ SPO Submissions, para. 14.

³⁵ SPO Submissions, para. 15.

³⁶ Response, para. 14.

³⁷ SPO Submissions, para. 15.

³⁸ Response, para. 19.

an opportunity for Mr Veseli to gain insight into the evidence underpinning the serious charges against him.³⁹

25. In light of the continuation of trial proceedings, the names and personal details of certain highly sensitive witnesses have now been - and will continue to be - disclosed to the Defence, and will therefore become known to a broader range of people, including the Accused. This, in turn, increases the risk of sensitive information pertaining to witnesses becoming known to members of the public before the witnesses in question give evidence. In this context, the release of an Accused with sensitive information in his possession would not be conducive to the effective protection of witnesses who are yet to testify.⁴⁰

26. Additionally, there is a persistent climate of intimidation of witnesses and interference with criminal proceedings against former KLA members in Kosovo which protective measures alone cannot overcome.⁴¹

27. The SPO has also referred to recent incidents that led to the Panel ordering additional restrictions being placed upon the ability of Mr Veseli to have contacts and visits in the Detention Centre. The Panel made it clear in its decision on those allegations that the measures ordered in that context were preventative in character rather than punitive.⁴² The Panel notes, however, that the records on which it based that decision further support the suggestion of a risk that Mr Veseli could engage in the divulgation of confidential information to unprivileged third parties.⁴³

³⁹ See F01303, Panel, *Decision on Periodic Review of Detention of Kadri Veseli*, 17 February 2023, para. 24, with further references .

⁴⁰ Twelfth Detention Decision, para. 25.

⁴¹ Twelfth Detention Decision, para. 26. See also KSC-BC-2020-05, F00494/RED, Trial Panel I, *Public Redacted Version of Trial Judgment*, 19 January 2023, para. 57. A corrected version was filed on on 8 June 2023, F00494/RED3/COR.

⁴² F01977, Panel, *Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi* ("Decision on Detention Conditions"), 1 December 2023, paras 30, 34.

⁴³ Decision on Detention Conditions, para. 35.

28. Accordingly, the Panel concludes that the risk that Mr Veseli will obstruct the progress of SC proceedings continues to exist.

(c) Risk of Committing Further Crimes

29. The SPO recalls the Panel's findings in the Twelfth Detention Decision and submits that Mr Veseli continues to present a risk of committing further crimes.⁴⁴

30. The Panel recalls its finding in the Twelfth Detention Decision that the risk of Mr Veseli committing further crimes continues to exist.⁴⁵ The Panel finds that the same factors are relevant to the analysis of the risk of Mr Veseli committing further crimes.

31. The Panel highlights the fact that the trial in this case is ongoing and that the identities of sensitive witnesses have been disclosed to the Veseli Defence, and that any risk of the further commission of crimes must be avoided.

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

3. Conclusion

33. The Panel concludes that at this time there continues to be insufficient information before it justifying a finding that Mr Veseli may abscond from justice. However, the Panel is satisfied, based on the relevant standard, that there is a risk that Mr Veseli will obstruct the progress of SC proceedings and that he will commit further crimes 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 Panel will assess below whether these risks can be adequately addressed by any conditions for his release.

⁴⁴ SPO Submissions, paras 16-20.

⁴⁵ Twelfth Detention Decision, para. 26.

B. MEASURES ALTERNATIVE TO DETENTION

34. With reference to the Panel's previous findings, the SPO submits that the relevant risks can only be effectively managed at the SC's detention facilities and nothing has occurred since the previous determination warranting a different assessment.⁴⁶ The SPO further submits that Mr Veseli's conduct now represents such an extraordinarily heightened risk that even the standard communications restrictions and monitoring of the Detention Centre are insufficient to mitigate it.⁴⁷

35. 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).⁴⁸ Article 41(12) sets out a number of options to be considered in order to ensure the accused's presence at trial, to prevent reoffending or to ensure successful conduct of proceedings. In this respect, the Panel recalls that detention should only be continued if there are no alternative, more lenient measures reasonably available that could sufficiently mitigate the risks set out in Article 41(6)(b).⁴⁹ The Panel must therefore consider all reasonable alternative measures that could be imposed and not only those raised by the Parties.⁵⁰

⁴⁶ SPO Submissions, paras 1, 21-25.

⁴⁷ SPO Submissions, para. 26.

⁴⁸ 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*.

⁴⁹ SCCC 26 April 2017 Judgment, para. 114; KSC-CC-PR-2020-09, F00006, Specialist Chamber of the Constitutional Court, *Judgment on the Referral of Amendments to the Rules of Procedure and Evidence Adopted by the Plenary on 29 and 30 April 2020*, 22 May 2020, para. 70. See also ECtHR, [Buzadji v. the Republic of Moldova](#) [GC], para. 87 *in fine*; ECtHR, *Idalov v. Russia* [GC], para. 140 *in fine*.

⁵⁰ IA003/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Interim Release*, 30 April 2021, confidential, para. 86. A public redacted version was filed on 11 February 2022, IA003/F00005/RED; KSC-BC-2020-05, F00127, Trial Panel I, *Fourth Decision on Review of Detention*, 25 May 2021, para. 24.

36. Regarding the risk of obstructing the progress of SC proceedings and commission of further crimes, the Panel maintains its view that none of the measures foreseen in Article 41(12) could sufficiently mitigate the existing risks.⁵¹ Furthermore, the Panel finds 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.⁵² Moreover, they offer a controlled environment where a potential breach of confidentiality could be more easily identified and/or prevented.⁵³

37. The Panel further maintains its view that it is only through the communication monitoring framework applicable at the SC detention facilities, including those measures recently ordered by the Panel,⁵⁴ that Mr Veseli's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.⁵⁵

38. In light of the foregoing, the Panel finds that the risks of obstructing the proceedings and committing offences can only be effectively managed at the SC's detention facilities. In these circumstances, the Panel finds that Mr Veseli's continued detention is necessary in order to avert the risks in Article 41(6)(b)(ii) and (iii).

C. REASONABLENESS OF DETENTION

39. The SPO argues that Mr Veseli's detention remains proportional, referring to the Panel's previous findings, especially in light of the continuing reasonable progression of proceedings.⁵⁶

⁵¹ Twelfth Detention Decision, para. 35.

⁵² Twelfth Detention Decision, para. 35.

⁵³ Twelfth Detention Decision, para. 35.

⁵⁴ See Decision on Detention Conditions, para. 84.

⁵⁵ Twelfth Detention Decision, para. 36.

⁵⁶ SPO Submissions, paras 27-29.

40. The Panel recalls that reasonableness of an accused's continued detention must be assessed on the facts of each case and according to its special features.⁵⁷ In the Panel's estimation, the special features in this case include: (i) Mr Veseli is charged with ten counts of serious international crimes in which he is alleged to play a significant role;⁵⁸ (ii) if convicted, Mr Veseli could face a lengthy sentence;⁵⁹ (iii) the risks under Article 46(b)(ii) and (iii) cannot be mitigated by any conditions;⁶⁰ (iv) the case against Mr Veseli is complex;⁶¹ and (v) the fact that the trial is underway, demonstrating reasonable progression of proceedings.

41. In light of the above developments, as well as the fact that there are continuing risks of obstructing the proceedings and of committing further crimes, neither of which can be sufficiently mitigated by the application of reasonable alternative measures, the Panel finds that Mr Veseli's detention for a further two months is necessary and reasonable in the specific circumstances of the case.

42. The Panel notes, however, that the Accused has already been in detention for a significant period of time, and the trial in this case is likely to be lengthy. As the Panel previously indicated, this will require the Panel as well as all Parties to be particularly mindful of the need to ensure that the trial proceeds as expeditiously as possible. The Panel will continue to monitor at every stage in these proceedings whether continued detention is necessary and reasonable.

V. CLASSIFICATION

43. The Panel notes that the Response was filed confidentially. The Panel therefore orders the Defence to submit a public redacted version of the Response or request its reclassification as public by no later than 4 January 2024.

⁵⁷ Twelfth Detention Decision, para. 39.

⁵⁸ Twelfth Detention Decision, para. 39.

⁵⁹ Twelfth Detention Decision, para. 39.

⁶⁰ *Supra*, para. 37.

⁶¹ Twelfth Detention Decision, para. 39.

VI. DISPOSITION

For the above-mentioned reasons, the Panel hereby:

- a) **ORDERS** Mr Veseli's continued detention;
- b) **ORDERS** the SPO to file submissions on the next review of Mr Veseli's detention by no later than Monday, 29 January 2024 at 16:00, with the response and reply following the timeline set out in Rule 76; and
- c) **ORDERS** the Defence to file a public redacted version of the Response or seek its reclassification as public by no later than 4 January 2024.



Judge Charles L. Smith, III
Presiding Judge

Dated this Friday, 15 December 2023

At The Hague, The Netherlands.