



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: **Trial Panel II**
Judge Charles L. Smith III, Presiding Judge
Judge Christoph Barthe
Judge Guénaël Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Registrar

Date: 1 March 2024

Language: English

Classification: **Confidential and *Ex Parte***

**Transmission of Rexhep Selimi's Request for Judicial Review of Registrar's
Decision on Request for Reconsideration**
with five confidential and *ex parte* Annexes

Counsel for Rexhep Selimi
Geoffrey Roberts

1. Pursuant to Article 9(3)-(4) of the Practice Direction on Complaints,¹ the Registrar hereby transmits Mr Rexhep's Selimi's request for judicial review of the Registrar's decision on request for reconsideration ('Request for Judicial Review'),² together with all other information relevant to the decision (Annexes 1-5).
2. Pursuant to Decision F01977,³ the Registrar was ordered to take measures and to implement modifications to the conditions of detention of Mr Haschim Thaçi, Mr Kadri Veseli, and Mr Rexhep Selimi (the 'Three Accused'), including the conditions of detention related to visitation, telephone calls, and written correspondence.
3. On 7 December 2023, the Registrar notified the Three Accused, including Mr Selimi, of the measures taken to implement the modified conditions of detention set out in Decision F01977 ('Registrar's Decision').⁴ On the same date, the Registrar filed an update on the implementation of Decision F01977 with the Panel.⁵ Annex 1 to the Registrar's update contains the Registrar's Decision notifying the Three Accused and their Counsel of the measures being put in place pursuant to Decision F01977.⁶
4. On 11 December 2023, the Selimi Defence team filed a request with the Panel to order the Registrar to amend the implementation of Decision F01977 as outlined in the Registrar's Decision.⁷

¹ Practice Direction on Complaints, KSC-BD-11-Rev1, 23 September 2020, public.

² Annex 1 to this Submission: "Request for Judicial Review of the Decision of the Registrar on Request for Reconsideration of the Registrar's Decision, KSC/REG/IOR/6548, dated 22 January 2024," DMU reg. no. 20230229/IN/1202/SEL, received on 29 February 2024, confidential.

³ KSC-BC-2020-06, F01977, Further Decision on the Prosecution's Urgent Request for modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi, 1 December 2023, public, para 51-53, 55-60, 62-78.

⁴ See fn. 6, below.

⁵ F01989, Registry Update on Implementation Pursuant to Trial Panel II's Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions, 7 December 2023, public ('Registry Update'), with confidential Annex 1 and confidential and *ex parte* Annexes 2, 3 and 4.

⁶ F01989/A01, Annex 1 to Registry Update, 7 December 2023, confidential (annexing the Registrar's Decision).

⁷ F02002, Specialist Counsel, Urgent Selimi Defence Request to the Trial Panel for an Order to the Registrar Regarding Implementation of Decision F01977, 11 December 2023, confidential. A public redacted version was filed on 14 December 2023, F02002/RED.

5. On 20 December 2023, the Panel issued a decision denying the request as not validly before the Panel and as premature, as any complaint should first go to the Registrar and then to the Panel for judicial review ('Decision F02028').⁸
6. On 8 January 2024, Mr Selimi submitted a direct Complaint to the Registrar requesting reconsideration of the Registrar's Decision.⁹
7. On 22 January 2024, the Registrar issued a decision on Mr Selimi's request for reconsideration ('Registrar's Decision on Reconsideration'),¹⁰ which concludes: "As the Registrar properly and reasonably exercised the broad discretion granted to her by the Panel in Decision F01977, your Complaint requesting reconsideration is denied and the Registrar's Decision (KSC/REG/IOR/6548) is hereby confirmed."¹¹ A translation of the Registrar's Decision on Reconsideration was provided to Mr Selimi on 30 January 2024.¹²
8. On 29 February 2024, Mr Selimi submitted a Request for Judicial Review of the Registrar's Decision on Reconsideration.¹³
9. For the sake of completeness, the monthly calendars delineating the schedule of for Mr Selimi's non-privileged visits and communications in December 2023 through March 2024 are also hereby transmitted to the Panel.¹⁴ The Registrar stands ready to transmit any additional information the Panel may require.

⁸ F02028, Decision on Urgent Request for an Order to the Registrar Regarding Implementation of Decision F01977, 20 December 2023, public ('Decision F02028'), paras 17-21.

⁹ Annex 2 to this Submission: "Complaint regarding restriction on visits and communications in implementation of Decision F01977", DMU reg. no. KSC-REG-SEL-COM-035, received 8 January 2024, confidential.

¹⁰ Annex 3 to this Submission: "Decision of the Registrar on Request for Reconsideration of the Registrar's Decision (KSC/REG/IOR/6548)", KSC/REG/IOR/6702, 22 January 2024, confidential ('Registrar's Decision on Reconsideration'), together with a translation into Albanian.

¹¹ *Id.*, para. 59.

¹² Annex 4 to this Submission: Acknowledgements of Receipt of KSC/REG/IOR/6702, 22 January 2024 (English) and 30 January 2024 (Albanian).

¹³ Annex 1 to this Submission, at fn. 2, above.

¹⁴ Annex 5 to this Submission: Mr Selimi's Monthly Calendars for December 2023, January 2024, February 2024, March 2024, confidential.

10. Pursuant to Rule 82(3) of the Rules,¹⁵ this filing and its Annexes are submitted as confidential and *ex parte* as they refer to confidential decisions and internal Registry information related to the detention function and facilities, as well as personal information concerning Mr Selimi's visits and communications.

Word count: 772



Dr Fidelma Donlon
Registrar

Friday, 1 March 2024
At The Hague, the Netherlands.

¹⁵ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3, 2 June 2020, public ('Rules').