



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**File number:** KSC-SC-2023-01/CS002

**Before:** The President of the Specialist Chambers  
Judge Ekaterina Trendafilova

**Registrar:** Fidelma Donlon

**Date:** 13 June 2024

**Language:** English

**Classification:** Public

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## Decision on a Final Warning

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**Specialist Prosecutor:**  
Kimberly P. West

**Counsel for Nasim Haradinaj:**  
Toby Cadman

**THE PRESIDENT** of the Specialist Chambers (“President”), noting Article 51(2) of Law No. 05/L.-053 on Specialist Chambers and Specialist Prosecutor’s Office, Rule 196(4) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers and Article 11(2) of the Practice Direction on Commutation of Sentences, hereby renders a decision on a final warning Mr Nasim Haradinaj to abide by the conditions on his release set forth in the “Decision on Modification of Sentence With Confidential and *Ex Parte* Annexes” (“Decision on Modification of Sentence”).<sup>1</sup>

## I. PROCEDURAL BACKGROUND

1. On 12 October 2023, the President issued the “Decision on Commutation, Modification or Alteration of Sentence”, in which she found, *inter alia*, that modification of Mr Haradinaj’s sentence to provide for his release with conditions was not appropriate at that time because Mr Haradinaj demonstrated on three occasions that he did not fully respect the regulatory framework of the Detention Management Unit of the Specialist Chambers.<sup>2</sup>

2. On 12 December 2023, the President rendered the Decision on Modification of Sentence, wherein she provided for Mr Haradinaj’s release to Kosovo subject to the conditions mentioned therein.<sup>3</sup> These conditions include, *inter alia*, “requesting permission and approval from the Registrar in the event of conducting an interview or any other contact with the media as provided for in the Practice Direction on Detainees (Media Communications)”.<sup>4</sup>

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<sup>1</sup> F00005, Decision on Modification of Sentence with Confidential and *Ex Parte* Annexes, 12 December 2023 (confidential). The decision was reclassified as public on 17 December 2023.

<sup>2</sup> F00002, Decision on Commutation, Modification or Alteration of Sentence, 12 October 2023. A public redacted version of the decision was issued on 17 October 2023 (F00002/RED).

<sup>3</sup> Decision on Modification of Sentence, para. 21.

<sup>4</sup> Decision on Modification of Sentence, para. 21(h).

3. On 15 January 2024, the President received a report from the Registrar, wherein she informed that Mr Haradinaj had contact with the media on 14 December 2023 and then again on 8 January 2024, through the release of a public statement, without having sought in advance an approval therefor from the Registrar, as required by the Decision on Modification of Sentence.<sup>5</sup>

4. On 22 January 2024, the President directed the Head of the Security and Safety Unit of the Specialist Chambers to remind Mr Haradinaj of the conditions applicable to his release, in particular concerning any contact with the media and direct or indirect public statements. The President further instructed the Head of the Security and Safety Unit to remind Mr Haradinaj that the Decision on Modification of Sentence will be revoked if he breaches *any* of the conditions therein and that he will be returned to the Specialist Chambers' Detention Facilities to serve the remainder of his sentence.

5. On 7 June 2024, the President received the "Registrar's Sixth Monthly Report to the President and Notification Concerning Implementation of Conditions (Second Media Interview) With Three Confidential and *Ex Parte* Annexes", wherein the Registrar informed that Mr Haradinaj had two interviews with the media in May 2024 without having sought in advance permission from the Registrar therefor as required by the Decision on Modification of Sentence.<sup>6</sup>

6. On 13 June 2024, the President received the "Notification Concerning Implementation of Conditions (Further Media Interviews with Two Confidential and *Ex Parte* Annexes" ("Notification").<sup>7</sup> The Registrar informed therein that Mr Haradinaj had given an additional five interviews to the media in June 2024 and that more may

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<sup>5</sup> F00008, Registrar's First Monthly Report to the President Concerning Implementation of Conditions With Confidential and *Ex Parte* Annexes 1-2", 15 January 2024 (confidential and *ex parte*).

<sup>6</sup> F00018, Registrar's Sixth Monthly Report to the President and Notification Concerning Implementation of Conditions (Second Media Interview) With Three Confidential and *Ex Parte* Annexes, 7 June 2024 (confidential and *ex parte*).

<sup>7</sup> F00019, Notification Concerning Implementation of Conditions (Further Media Interviews with Two Confidential and *Ex Parte* Annexes, 13 June 2024 (confidential and *ex parte*).

have been given, without having sought in advance permission therefor from the Registrar as required by the Decision on Modification of Sentence.<sup>8</sup>

## II. CONSIDERATIONS

7. The President recalls that Mr Haradinaj's conditional release was delayed by two months in view of the three occasions on which he had breached the regulations at the Detention Facilities. The President observes that having been released with conditions, Mr Haradinaj's pattern of behaviour appears to continue in this respect. The President notes that Mr Haradinaj was reminded in January 2024 by the Head of the Security and Safety Unit that he should abide by the conditions set forth in the Decision on Modification of Sentence and what the consequences would be if Mr Haradinaj would breach *any* of these conditions.

8. The President observes that over the course of the last two months, Mr Haradinaj has engaged, with increased regularity, with the media without having sought in advance permission to do so, as required by the Decision on Modification of Sentence. The President notes that the Decision on Modification of Sentence could be revoked or modified immediately based on Mr Haradinaj's latest breaches of that decision.<sup>9</sup> Nevertheless, the President is of the view that Mr Haradinaj should receive one *final* warning directly from her, before revoking the Decision on Modification of Sentence and ordering his return to the Detention Facilities to serve the remainder of his sentence.

9. The President notes that any further breach by Mr Haradinaj of the conditions set forth in the Decision on Modification of Sentence, no matter how minor, will result in his immediate return to the Detention Facilities.

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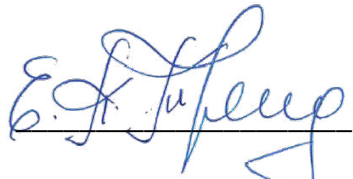
<sup>8</sup> Notification, paras 3-4.

<sup>9</sup> Decision on Modification of Sentence, para. 22.

## III. DISPOSITION

10. In view of the above, the President hereby

- i). **WARNS** Mr Haradinaj to abide by all conditions set out in the Decision on Modification of Sentence; and
- ii). **REMINDS** Mr Haradinaj that if he breaches any of the conditions contained therein, the Decision on Modification of Sentence shall be revoked with immediate effect and he will be returned to the Detention Facilities to serve the remainder of his sentence there.



**Judge Ekaterina Trendafilova,  
President of the Specialist Chambers**

Dated this Thursday, 13 June 2024  
At The Hague,  
The Netherlands