

In: KSC-BC-2020-06

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: Dr Fidelma Donlon

Filing Participant: Counsel for Kadri Veseli

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Classification: Public

Veseli Defence Reply to F02896 and Related Request

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I. INTRODUCTION

1. The Defence for Mr Veseli hereby submits its reply to the SPO's response¹ to its earlier submissions regarding a review of the ongoing necessity and proportionality of modified detention conditions.²
2. The Defence files this reply in order to: (i) correct one issue that the SPO has seriously misrepresented in their response; and (ii) request a modification of the reporting regime set out in F01977, should it remain in force following the Trial Panel's review.

II. SUBMISSIONS

3. At paragraph 12 of its Response, the SPO makes this brazen allegation:

[C]oncerns identified by the SPO in its initial request – where Veseli clearly declared that there were ways of communicating messages, and linked the existence of the Defence team to that – have been borne out, with a former member of the Veseli Defence team since having charges under Article 15(2) of the Law confirmed against him.³

4. The Defence finds it necessary to reply to this accusation directed at Mr Veseli and his Defence team in order to avoid any misapprehension on the part of any reader.
5. Hajredin Kuci – who was, but is no longer, a member of the Veseli Defence team – met with Hashim Thaci on 3 September 2023 on his own, not as part of a legal meeting but as a private visitor. Mr Kuci is Mr Thaci's former Deputy Prime Minister and his former Minister of Justice. On the basis of what transpired during the 3 September 2023 meeting, Mr Kuci was subsequently indicted under Article 15(2) of the Law. Mr Veseli was not.

¹ F02896, *Prosecution consolidated response to F02785 and F02846*, 3 February 2025, public.

² F02846, *Veseli Defence Submissions Pursuant to the Panel's Order on Review of Detention Conditions (F02805)*, 22 January 2025, public.

³ F02896, para. 12.

6. It is a gross mischaracterisation of Mr Veseli's words to state that he "clearly declared there were ways of communicating messages and linked the existence of the Defence team to that." As the Defence has previously stated, it is abundantly clear that in this conversation Mr Veseli was making the observation that it was not any restrictions that prevent the passing of messages, but rather his personal sense of responsibility, and moreover, he has no reason to send such messages because he has a legal team that is carrying out investigations in the field.⁴

7. What the Defence stated at that time, more than one year ago, remains equally true today:

From the outset up to the present day, Mr Veseli has acted in good faith. The SPO has failed to produce a shred of actual evidence that Mr Veseli intends to abuse his legally privileged meetings to obstruct justice.⁵

The Defence requests that the SPO refrain from making serious allegations against Mr Veseli and his Defence team in the absence of any evidence.

8. Finally, the Defence recalls that at paragraph 21 of the Registry Submissions, it is stated that any "any incidents involving the Three Accused's compliance with Decision F01977 have been reported to the Panel pursuant to the Registry's reporting obligations, as outlined in Decision F01977".⁶ The Defence observes that pursuant to F01977, the Trial Panel ordered that the Registry "shall submit a report to the Panel every two months" which shall include (i) any incident of non-compliance; (ii) any suspicious communication; or (iii) anything else relevant to ensuring the Panel can guarantee the integrity of

⁴ F01947/RED, *Veseli Defence Response to 'Prosecution Urgent Request for Modification of Detention Conditions with Confidential Annexes 1-5' with Confidential Annex 1*, 24 November 2023, public, para. 33.

⁵ F01947/RED, para. 34.

⁶ F02897, *Registrar's Submissions Pursuant to Order F02805*, 3 February 2025, public, para 21.

proceedings, protect witnesses and prevent the dissemination of confidential information.⁷

9. To date the Defence has not been privy to these reports. It submits that any such reports that are submitted going forward, as well as those previously submitted, ought in fairness to be accessible to the Defence, so that it can intervene where circumstances require in the interests of its client, and make informed submissions on matters pertaining to Mr Veseli's conditions of detention.
10. In the absence of a compelling justification for their current *ex parte* status, fairness requires that the Defence receives this information, which is directly relevant to the Accused and their conditions of detention. Accordingly, by way of this reply the Defence requests that such reports are made accessible the Defence.

III. CONCLUSION

11. In conclusion, the Defence requests that the Trial Panel amend its Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions and to remove the measures as set out herein. It further requests reclassification of Registry reports submitted pursuant to paragraphs 77-78 of F01977 so as to permit the Defence access to prior reports and, should the reporting regime remain in place, access to any future reports that are submitted to the Trial Panel.

Word Count: 815

**Respectfully submitted on Monday, 10 February 2025, at the Hague, the
Netherlands.**

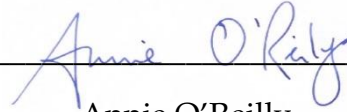
⁷ F01977, para. 78.



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