

**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 Christoph Barthe  
Judge Guénaél Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Counsel for Hashim Thaçi

**Date:** 17 March 2025

**Language:** English

**Classification:** Public

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**Public Redacted Version of Urgent Thaçi Defence Request for Temporary Release  
on Compassionate Grounds  
with Confidential *Ex Parte* Annex 1**

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## I. INTRODUCTION

1. Mr Hashim Thaçi's father, Mr Haxhi Thaçi, passed away on 16 March 2025.<sup>1</sup> The funeral is scheduled to take place on 18 March 2025 at 15:00 in the New Cemetery of Burojë Village, Skenderaj Municipality. Accordingly, the Defence for Mr Hashim Thaçi (the "Defence") requests the Trial Panel II to order the immediate temporary release of Mr Thaçi on compassionate grounds, for a period of two (2) days, to attend the funeral of his father and to visit his mother, wife, son, brothers and sisters, in order to grieve the passing of his father.

2. The present request is brought before Trial Panel II, on the understanding that a similar request is being filed in front of the Pre-Trial Judge in KSC-BC-2023-12 ("Case 12").

## II. PROCEDURAL AND FACTUAL BACKGROUND

3. On 12 March 2025, Mr Thaçi was granted a temporary release of one day to visit his father who was hospitalised in Pristina, in presence of his mother and wife.<sup>2</sup> Mr Thaçi met with his father, mother and wife on 13 March 2025 and came back to the KSC detention facilities in The Hague on the same day.

4. On 16 March 2025 [REDACTED], Mr Thaçi's father passed away.

5. The funeral is scheduled to be held on 18 March 2025 at 15:00 in the New Cemetery of Burojë Village, Skenderaj Municipality, as follow:

The funeral will take place on 18 March 2015 at 3:00 p.m.

The funeral ceremony will be held under the auspices of the Mayor of Skenderaj, Mr. Fadil Nura.

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<sup>1</sup> Annex 1.

<sup>2</sup> KSC-BC-2020-06/F03004, *Decision on Thaçi Defence Fifth Urgent Request for Temporary Release on Compassionate Grounds*, 12 March 2025, Confidential and *ex parte* ("F03004"), para. 21.

These are the activities that will be organized by the Municipality of Skenderaj:

Tribute at the coffin:

Date: March 18, 2025

Time: 09:00 – 12:00

Location: "Ilaz Kodra" Gym, Skenderaj.

Commemorative meeting:

Date: March 18, 2025

Time: 12:00

Location: "Ilaz Kodra" Gym, Skenderaj.

Burial of the deceased:

Date: March 18, 2025

Time: 15:00

Location: New cemetery of Burojë village, Skenderaj.

The Thaçi family's appearance:

Date: March 19 – 20, 2025

Location: "Ilaz Kodra" Gym, Skenderaj.

### III. APPLICABLE LAW

6. Article 36(1) of the Kosovo Constitution and Article 8(1) of the European Convention on Human Rights ("Convention") guarantee the right to respect for family life. The European Court of Human Rights has ruled that it is an essential part of a prisoner's right to respect for family life that the prison authorities assist him or her in maintaining contact with his or her close family.<sup>3</sup>

7. Pursuant to Rule 56(3) of the Rules,<sup>4</sup> upon request by a detained person, the Panel may order the temporary release of a detained person, where compelling humanitarian grounds justify such release. Pursuant to Rule 56(5) of the Rules, the Panel may impose such conditions upon the release as deemed appropriate to ensure the presence of the detained person.

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<sup>3</sup> ECtHR, *Chaldeyev v. Russia*, 33172/16, Third Section, Judgment, 28 May 2019, § 59; *Messina v. Italy* (no. 2), 25498/94, Second Section, Judgment, 28 September 2000, § 61; *Kurkowski v. Poland*, 36228/06, Fourth Section, Judgment, 9 April 2013, § 95; *Vintman v. Ukraine*, 28403/05, Fifth Section, Judgment, 23 October 2014, § 78.

<sup>4</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ("Rules").

8. As noted by a Panel of the Court of Appeals Chamber, while Article 8 of the Convention does not guarantee an unconditional right to leave prison to visit a sick relative or attend their funeral, every limitation on this right must be justifiable as being “necessary in a democratic society”. Among the factors to be considered in this assessment are the stage of the proceedings, the nature of the criminal offence, the accused’s character, the gravity of the relative’s illness, the degree of kinship, the possibility of escorted leave and other circumstances informing the alleged “humanitarian” grounds.”<sup>5</sup>

9. International criminal courts have repeatedly recognized that temporary release on compassionate grounds may be ordered in order to permit accused persons to attend the funerals of immediate family members or memorial services held thereafter.

10. At the KSC, in Case 06, the Pre-Trial Judge authorised Mr Kadri Veseli’s temporary release for a custodial visit of three days in order to grieve his deceased father:<sup>6</sup>

“12. Mr Veseli is charged with grave crimes and his continued detention has been found to be necessary. That said, the Pre-Trial Judge has taken note of the Registry Submissions regarding feasibility, security and logistics. Moreover, the Pre-Trial Judge considers that the facts that Mr Veseli’s father has passed away and that the mourning ritual is essential to his faith and tradition are decisive. On balance, and in the specific circumstances of this case, the death of Mr Veseli’s father amounts to exceptional circumstances and compelling humanitarian grounds justifying his temporary release for a custodial visit.

[...]

17. The Pre-Trial Judge is further satisfied that a period of three days, including travel, enables adequate time for Mr Veseli to participate in part in the mourning ritual and

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<sup>5</sup> KSC-CA-2022-01, F00020RED, Court of Appeals Panel, *Public Redacted Version of Decision on Gucati’s Third Request for Temporary Release on Compassionate Grounds*, 30 June 2022, para. 11; F00043RED, Court of Appeals Panel, *Public Redacted Version of Decision on Gucati’s Fourth Request for Temporary Release on Compassionate Grounds*, 13 September 2022, public, para. 16. See also F03004, para. 12.

<sup>6</sup> KSC-BC-2020-06/F00386/RED, *Public Redacted Version of Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds*, 8 July 2021, public (“F00386”), paras. 12, 17.

to grieve with his mother and immediate family members, and is thus proportional to the grounds for which the temporary release is sought.”

11. Mr Veseli was authorised to visit his father’s graveside, to visit his mother and to have visits with pre-identified immediate family members, at the KSC’s secure facility and in another location.<sup>7</sup>

12. Subsequently, Mr Veseli was afforded a temporary release for a custodial visit of two days in order to grieve his deceased mother.<sup>8</sup> He was authorised to visit his mother’s grave and immediate family members and second degree relatives, and to be visited by immediate, pre-identified family members and second degree relatives at a secure detention facility.<sup>9</sup>

13. Similarly, Mr Jakup Krasniqi was granted a temporary release on compassionate grounds following the passing of his brother.<sup>10</sup>

14. At the International Criminal Court (“ICC”), the Single Judge authorized Mr Jean-Pierre Bemba’s transfer to Belgium in order for him to attend his father’s funeral ceremony, subject to conditions, which allowed him to attend the funeral, visit the place where his father’s remains were kept, and communicate with his relatives.<sup>11</sup> Mr

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<sup>7</sup> *Ibid.*, para. 15. See also KSC-BC-2020-06/F00403/RED, Public Redacted Version of “Report of the Registrar pursuant to Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds”, dated 16 July 2021, paras 9-12.

<sup>8</sup> KSC-BC-2020-06/F00640/RED, *Public Redacted Version of Third Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds*, 8 January 2022, public (“F00640”) paras 21, 24. See also KSC-BC-2020-06/F00648/RED, *Public Redacted Version of “Report of the Registrar pursuant to Third Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds”*, filing F00648, 27 January 2022, public, paras 7-9.

<sup>9</sup> *Ibid.*, para. 24.

<sup>10</sup> KSC-BC-2020-06/F02613/RED, *Public Redacted Version of ‘Urgent Krasniqi Defence Request for Temporary Release on Compassionate Grounds with Confidential and Ex Parte Annex 1 (F02613)’*, 6 October 2024, para. 1, subject to KSC-BC-2020-06/F02626, *Decision on Urgent Krasniqi Defence Request for Temporary Release on Compassionate Grounds*. While this decision is not public, Mr Krasniqi’s temporary release in Kosovo was reported the media: [Jakup Krasniqi in Kosovo due to a death in the family - KoSSev](#).

<sup>11</sup> ICC-01/05-01/08-437-Red, *Prosecutor v. Jean-Pierre Bemba Gombo*, Single Judge, Decision on the Defence’s Urgent Request concerning Mr Jean-Pierre Bemba’s Attendance of his Father’s Funeral, 3 July 2009, p. 5.

Bemba was also later authorized to attend his stepmother's funeral in Belgium, subject to similar conditions.<sup>12</sup>

15. The International Criminal Tribunal for the Former Yugoslavia ("ICTY") has also authorised the temporary release on compassionate grounds of accused persons to attend the funerals of immediate family members or memorial services held thereafter according to the tradition prevalent in Balkan countries,<sup>13</sup> from the beginning of its operations.<sup>14</sup> Mr Ramush Haradinaj was granted provisional release for two days in order to attend the funeral and post-funeral ceremonies of his brother; he was allowed to travel to Glodjane/Gllogjan for the funeral, and to spend the night in his home in Pristina, before returning to the detention centre.<sup>15</sup> A few years later, Mr Lahi Brahimaj was granted permission to attend the funeral of a close relative.<sup>16</sup> The ICTY Pre-Trial Judge also granted Mr Mile Mrksic temporary provisional release from 31 January to 2 February 2004 in order to attend his mother's funeral in Belgrade.<sup>17</sup> Similarly, Mr Nikola Šainović had been granted temporary provisional release so he could visit his mother before her passing;<sup>18</sup> his mother however died

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<sup>12</sup> ICC-01/05-01/08-1099-Red, *Prosecutor v. Jean-Pierre Bemba Gombo*, Trial Chamber III, Decision on the Defence Request for Mr Jean-Pierre Bemba to attend his Stepmother's Funeral, 12 January 2011.

<sup>13</sup> ICTY, *Prosecutor v. Sainovic et al*, Case no IT-05-87-A, *Decision on Urgent Motion Requesting Provisional Release of Nebojsa Pavkovic on Compassionate Grounds*, 17 September 2009; *Prosecutor v. Sainovic et al*, Case no IT-05-87-A, *Decision on Dragoljub Ojdanic's Motion for Temporary Provisional Release on Compassionate Grounds*, 9 August 2010; *Prosecutor v. Popovic et al*, Case no IT-05-88-T, *Decision on Pandurevic's Request for Provisional Release on Compassionate Grounds*, 11 December 2007; *Prosecutor v. Haradinaj et al*, Case no IT-04-84-T, *Order to Lift the Confidential Status of the Trial Chamber's Urgent Decision on Ramush Haradinaj's Motion on Provisional Release and all Related Filings*, 3 October 2007; *Prosecutor v. Sainovic et al*, Case no IT-05-88-A, *Decision on Sreten Lukic's Third Motion for Provisional Release on Compassionate Grounds*, 3 September 2010; *Prosecutor v. Popovic et al*, Case no IT-05-88-A, *Decision on Vinko Pandurevic's Urgent Motion for Provisional Release on Compassionate Grounds*, 11 January 2012.

<sup>14</sup> E.g. see ICTY, Case No. IT-95-16-T, *Prosecutor v. Kupreskić et al.*, Decision on the Motion of Defence Counsel for Drago Josipović (Request for Permission to attend a funeral), 6 May 1999.

<sup>15</sup> ICTY, Case No. IT-04-84-PT, *Prosecutor v. Haradinaj et al.*, Duty Judge, Decision on Urgent Defence Motion on Behalf of Ramush Haradinaj for Provisional Release, 16 April 2005, p. 4.

<sup>16</sup> ICTY, Case No. IT-04-84-A, *Prosecutor v. Haradinaj et al.*, Duty Judge, Decision on Urgent Motion Requesting Temporary Variation of Conditions of Provisional Release, 1 December 2009.

<sup>17</sup> ICTY, Case No. IT-95-13/1, *Prosecutor v. Mrksic et al.*, Trial Chamber II, Decision pursuant to Rule 65 granting Mrkšić's request to attend his mother's funeral, 30 January 2004, p. 3.

<sup>18</sup> ICTY, Case No. IT-05-87-T, *Prosecutor v. Milutinovic et al*, Trial Chamber, Decision on Sainovic Motion for Temporary Provisional Release, 4 April 2008.

before Mr. Šainović was able to leave the Netherlands, so the Trial Chamber modified its decision in order to permit him to attend his mother's funeral, granting him provisional release from 8 to 13 April.<sup>19</sup> A similar requests was also granted with regard to Amir Kubura.<sup>20</sup>

#### IV. SUBMISSIONS

16. The Defence requests the Trial Panel II to order an immediate temporary release of Mr. Thaçi for a period of two days to allow him to attend the funeral of his father, Haxhi Thaçi, and to visit and provide comfort and emotional support to his close family members, and to receive support from them.

17. More precisely, Mr Thaçi requests to attend the funeral of his father on 18 March 2015 at 15:00, which will take place at the New Cemetery of Burojë Village, Skenderaj Municipality, and to remain with his mother during the funeral. The funeral will be organised by the Municipality of Skenderaj, as an official function. The funeral will be preceded by a closed casket tribute to Mr Thaçi's father that will take place from 09:00 until 12:00 on 18 March 2025 and a commemoration ceremony that will start at 12:00. The latter are also being organized by the Municipality of Skenderaj and will take place at the Sports Hall "Ilaz Kodra" in Skenderaj. There may an escort by the Honorary Guard of Kosovo Security Forces, but this has not been confirmed yet.

18. The Defence also requests that Mr Thaçi be authorised to receive immediate family members in [REDACTED], in presence of his mother, [REDACTED], and of his mother's carer, [REDACTED][REDACTED]. The Defence notes that Mr Thaçi

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<sup>19</sup> ICTY, Case No. IT-05-87-T, *Prosecutor v. Milutinovic et al*, Trial Chamber, Order modifying Decision on Sainovic motion for temporary provisional release, 7 April 2008.

<sup>20</sup> ICTY, Case No. IT-01-47-T, *Prosecutor v. Hadzihasanovic and Kubura*, Duty Judge, Decision Pursuant to Rule 65 Granting Amir Kubura Authorization to Attend his Mother's Funeral, 12 March 2004.



previously visited his father and mother in [REDACTED] without incident, complying at all times with the instructions of the KSC escorting officers.<sup>21</sup>

19. Mr Thaçi requests three visits of one hour each, with:

- (i) His wife [REDACTED] and son [REDACTED], in presence of his mother;
- (ii) A first group of 3 or 4 of his siblings, in presence of his mother;
- (iii) A second group of 3 or 4 of his siblings, in presence of his mother.

20. The siblings in question are [REDACTED].

21. The traditional three-days mourning ceremony will be held at the Sports Hall “Ilaz Kodra” in Skenderaj, and [REDACTED], therefore [REDACTED] will be [REDACTED] available to accommodate Mr Thaçi and his eventual visitors. Mr Thaçi does not seek to attend the three-day mourning ceremony at the Sports Hall “Ilaz Kodra” in Skenderaj.

22. Mr Thaçi is extremely distressed by the passing of his father and wishes to provide support and comfort to his close family, and receive support from them. The passing of Mr Thaçi’s father constitutes urgent, compelling, and exceptional circumstances justifying Mr Thaçi’s temporary release on humanitarian grounds, pursuant to Article 8 of the Convention, Article 36(1) of the Constitution and Rule 56(3) of the Rules.

23. Mr Thaçi will abide by any condition imposed by the Trial Panel II.

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<sup>21</sup> KSC-BC-2020-06/F01556/COR/RED, Trial Panel II, *Public Redacted Corrected Version of Decision on Urgent Thaçi Request for Temporary Release on Compassionate Grounds*, 21 June 2023 (“Thaçi First Decision”), para. 24(e); KSC-BC-2020-06/F01757/RED, Trial Panel II, *Public Redacted Version of Decision on Urgent Thaçi Defence Second Request for Temporary Release on Compassionate Grounds*, 21 September 2023 (“Thaçi Second Decision”), para. 26(f).



24. Mr Thaçi, who surrendered voluntarily to the KSC's jurisdiction KSC and stepped down as President to do so, is not a flight risk.<sup>22</sup> Mr Thaçi has always cooperated with the relevant authorities regarding his detention. Any risks arising from a limited period of escorted custodial provisional release are thus greatly mitigated by Mr Thaçi having been provisionally released three times in similar circumstances, during which time he followed all instructions of the chief custody officers and escorting officers,<sup>23</sup> and returned to the Detention Unit in The Hague without incident. Mr Thaçi has no objection to submitting to the same logistical measures and security conditions that were imposed on him during his previous limited periods of provisional release to visit his mother and father.<sup>24</sup>

25. While Mr Thaçi has been charged with criminal offences against the administration of justice and public administration and criminal offences against public order in Case 12, Mr Thaçi remains presumed innocent and his relatives have no connection with the contempt allegations in Case 12, further reducing any possible perceived risk.

26. The Defence further stresses that at this point, there remain only two or three prosecution witnesses scheduled to testify live in Case 06, which needs to be taken in to account to assess the alleged risk associated with Mr Thaçi's interim release.

27. The requested visit would occur in [REDACTED]. Any perceived risk would be sufficiently restricted by Mr Thaçi remaining constantly within both sight and earshot of escorting officers.<sup>25</sup>

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<sup>22</sup> KSC-BC-2020-06/F02926, Trial Panel II, *Decision on Periodic Review of Detention of Hashim Thaçi*, 13 February 2025, public, para. 17.

<sup>23</sup> KSC-BC-2020-06/F01591/RED, *Public Redacted Version of "Report of the Registrar Pursuant to Decision on Urgent Thaçi Request for Temporary Release on Compassionate Grounds"*, filing F01591, dated 8 June 2023, 30 June 2023, para. 18; KSC-BC-2020-06/F01787, *Report of the Registrar Pursuant to Decision on Urgent Thaçi Defence Second Request for Temporary Release on Compassionate Ground*, 13 September 2023, confidential and *ex parte*, para. 16.

<sup>24</sup> Thaçi First Decision, para. 24; Thaçi Second Decision, para. 26; F03004, para. 21.

<sup>25</sup> See Thaçi First Decision, para. 24(f); Thaçi Second Decision, para. 26(e).

28. Finally, Mr Dastid Pallaska, Co-Counsel for Mr Thaçi in Case 06, will be the contact point for the Registry on behalf of the Defence.

## V. CLASSIFICATION

29. This filing is classified as confidential and *ex parte* as it refers to personal information concerning Mr Thaçi's father. A public redacted version will be filed in due course.

## VI. CONCLUSION

30. For the above reasons, the Defence requests that the Trial Panel II order the immediate temporary release of Mr Thaçi on compassionate grounds, for a period of two (2) days, to allow him to attend the funeral of his father and visit his mother, wife, son, brothers and sisters.

[Word count: 2926 words]

Respectfully submitted,



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**Luka Misetic**

**Counsel for Hashim Thaçi**

Monday, 17 march 2025

At The Hague, The Netherlands