



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSC-BC-2020-06

**Before:** Trial Panel II  
Judge Charles Smith III, Presiding Judge  
Judge Christoph Barthe  
Judge Guénaél Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

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**File Name:** The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

**Classification:** Public

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**Public Redacted Version of “Registrar’s Submissions on Sixth Urgent Thaçi  
Defence Request for Temporary Release on Compassionate Grounds”,  
filing F03031**

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## I. INTRODUCTION

1. Pursuant to Rule 23(2) of the Rules,<sup>1</sup> the Registrar hereby provides submissions on Mr Hashim Thaçi's ('Mr Thaçi', 'the Accused' or 'the Defence') sixth urgent request for temporary release on compassionate grounds ('Request').<sup>2</sup>

## II. APPLICABLE LAW

### A. Detention Function

2. Pursuant to Article 3(5) of the Law,<sup>3</sup> the Registry of the Specialist Chambers administers all necessary and auxiliary functions, including detention facilities.

3. Pursuant to Article 34(12) of the Law, the Registrar is responsible for managing and administering the detention function and facilities of the Specialist Chambers in line with international standards and the Law, and the Specialist Chambers' "correction/detention officers shall have the authority and responsibility to exercise powers given to Kosovo Correction Officers under Kosovo law", in accordance with the modalities established by the Law.

4. Pursuant to Article 41(7) and (8) of the Law, persons subject to a detention order of the Specialist Chambers may be detained in facilities overseen by the Specialist Chambers and managed by the Registry, which shall meet relevant international standards.

5. Pursuant to Rule 56(1) of the Rules, in exceptional circumstances, a person may be held in facilities outside of the Host State or Kosovo pending transfer. The detained person shall at all times remain under the authority of the Specialist Chambers.

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<sup>1</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3, 2 June 2020, public ('Rules').

<sup>2</sup> KSC-BC-2020-06, F03024, Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds, 17 March 2025, confidential and *ex parte* ('Request').

<sup>3</sup> Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

### B. Temporary Release

6. Pursuant to Rule 56(3) of the Rules, “[u]pon request by a detained person or *proprio motu*, the Panel may order the temporary release of a detained person, where compelling humanitarian grounds justify such release”.

7. 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.

## III. SUBMISSIONS

### A. Mr Thaçi’s Request

8. On 17 March 2025, Mr Thaçi submitted his sixth Request for temporary release on compassionate grounds, following the death of his father, [REDACTED].<sup>4</sup> Mr Thaçi requests temporary release [REDACTED].<sup>5</sup>

9. Mr Thaçi notes that [REDACTED].<sup>6</sup> Mr Thaçi requests to [REDACTED].<sup>7</sup> [REDACTED].<sup>8</sup>

10. Secondly, Mr Thaçi requests [REDACTED].<sup>9</sup> Specifically, Mr Thaçi wishes to [REDACTED].<sup>10</sup>

11. Finally, Mr Thaçi submits he will abide by any condition imposed by the Trial Panel (‘Panel’), and that [REDACTED].<sup>11</sup>

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<sup>4</sup> Request, para.1.

<sup>5</sup> Request, paras 1, 16-20.

<sup>6</sup> [REDACTED].

<sup>7</sup> [REDACTED].

<sup>8</sup> [REDACTED].

<sup>9</sup> [REDACTED].

<sup>10</sup> [REDACTED].

<sup>11</sup> Request, paras 23, 28.

B. Preliminary Remarks and Other Available Alternatives

12. The Registrar notes that the Panel has recently approved a one-day custodial visit, based on humanitarian grounds, to enable Mr Thaçi to see his father [REDACTED].<sup>12</sup> The custodial visit took place, as ordered, on 13 March 2025.

13. The Registrar also notes her previous submissions regarding other available means for Mr Thaçi to remain in close contact with [REDACTED] at this time.<sup>13</sup>

C. Security, Feasibility and Operational Requirements

14. Notwithstanding the above, the Registrar provides the following submissions on the security, feasibility and operational requirements in relation to the Request.

15. As a preliminary matter, the considerable resources needed to stand up and deploy a transfer team and rapidly arrange for air transport are, in the opinion of the Registrar, only justifiable in urgent, compelling, and exceptional circumstances.

16. The Registrar notes the basis for the Accused's Request is the death of his father. In the Registrar's opinion, this justifies humanitarian measures to facilitate the temporary transfer of the Accused for a custodial visit to Kosovo.

17. In terms of feasibility, as a preliminary matter, it is recalled that the Specialist Chambers has [REDACTED]. [REDACTED].

18. In terms of the security situation, the Registrar notes her prior submissions in relation to Mr Thaçi's recent requests for temporary release on compassionate grounds before the Pre-Trial Judge and Trial Panel II,<sup>14</sup> and the decisions thereon, imposing

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<sup>12</sup> F03004, Decision on Thaçi Defence Fifth Urgent Request for Temporary Release on Compassionate Grounds, 12 March 2025, confidential and *ex parte*.

<sup>13</sup> See, e.g., F02943, Registrar's Submissions on Urgent Thaçi Defence Fourth Request for Temporary Release on Compassionate Grounds, confidential and *ex parte*, 18 February 2025, paras 14-20 (see also F02943/RED); F02879, Registrar's Submissions on Urgent Thaçi Defence Third Request for Temporary Release on Compassionate Grounds, 30 January 2025, confidential and *ex parte*.

<sup>14</sup> See above F02943 and F02879, at fn. 13. See also F01551/RED, Public Redacted Version of "Registrar's Submissions on Thaçi Defence Request for Temporary Release on Compassionate Grounds", 24 May 2023, paras 14-17; KSC-BC-2020-06, F01752/RED, Public Redacted Version of "Registrar's Submissions

certain conditions.<sup>15</sup> The Registrar also notes the Panel's findings with regard to the necessity of Mr Thaçi's continued detention.<sup>16</sup>

19. Noting Mr Thaçi's unique profile and the sad passing of his father, as well as the [REDACTED]. There is a possibility that the proposed visit will be public knowledge [REDACTED]. From a security perspective, it cannot be excluded that [REDACTED]. Indeed, there is already significant [REDACTED].<sup>17</sup> The [REDACTED] is likely to increase throughout the week and presents considerable security challenges, particularly in light of Mr Thaçi's unique profile and the [REDACTED].

20. Nevertheless, the Security and Safety Unit ('SSU') of the Registry, together with external partners, has assessed the impact of the above information on the Registrar's feasibility and security assessments.<sup>18</sup> Based on the information available to the Registry *at this time*, it is assessed that [REDACTED], if the visit is of short duration (two days), under conditions of secrecy, and takes place [REDACTED], under further conditions as elaborated below. This visit is feasible on the understanding that there is no public information or media coverage about the specific operational aspects of the visit in advance.

21. The Registrar further notes that this assessment is based on currently available information, but if the security picture changes, the Panel will be immediately informed. Importantly, SSU may change its security assessment [REDACTED] based on the reality on the ground, including [REDACTED]. [REDACTED]. [REDACTED]. If this happens, the Chief Custody Officer will have no option but to postpone or terminate the visit(s) outlined below. Accordingly, the Chief Custody Officer would need to be in a position to make any necessary operational changes to

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on Thaçi Defence Request for Temporary Release on Compassionate Grounds", 31 August 2023, para. 15. [REDACTED]. [REDACTED]. [REDACTED].

<sup>15</sup> See *above* F03004, at fn. 12.

<sup>16</sup> F02926, Decision on Periodic Review of Detention of Hashim Thaçi, 13 February 2025, public, para. 33.

<sup>17</sup> [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

<sup>18</sup> See *also* F03025, Registrar's Preliminary Submissions on Sixth Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds, 17 March 2025, confidential and *ex parte*, para. 2.

address the prevailing security conditions.

22. Should the Panel consider that the present circumstances justify Mr Thaçi's temporary transfer for a custodial visit to Kosovo for two days, this can be organised securely and swiftly, subject to certain operational and mission security requirements, as set forth below.

i. Duration of Transfer

23. Noting the above security parameters, and in view of the [REDACTED], the Registry can support the two-day visit requested by the Defence.

24. If the Panel grants Mr Thaçi's request, the Registrar considers that, on short notice, Mr Thaçi's temporary transfer to Kosovo **over a period of two (2) days** [REDACTED] is feasible, subject to planning consultations with [REDACTED],<sup>19</sup> on the understanding that Mr Thaçi would remain in the custody of the Specialist Chambers and under escort at all times, and that the Chief Custody Officer may take any decision necessary regarding the custodial visit on the basis of operational and security concerns, including changing the location(s) of the proposed visit or terminating the visit.<sup>20</sup>

25. This visit would accommodate the necessary travel time, a custodial visit to the grave site of Mr Thaçi's father, a custodial visit with [REDACTED], and additional visits with [REDACTED] at the Specialist Chambers' Secure Transfer Facility, under further conditions as elaborated below.

ii. Visit to the Grave Site

26. The Head of SSU assesses that, even though a temporary custodial visit of this nature is [REDACTED], the Specialist Chambers can arrange for Mr Thaçi to be securely transported to and from the grave site of his father [REDACTED]. This visit is only feasible if the prevailing security conditions allow, as elaborated

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<sup>19</sup> Unforeseen circumstances may impact upon these timescales.

<sup>20</sup> See *above*, para. 21.

above,<sup>21</sup> and on the understanding that there is no public information or media coverage about the specific operational aspects of the visit in advance.

27. [REDACTED].

iii. Visit to [REDACTED]

28. The Registry assesses that the Chief Custody Officer can arrange for Mr Thaçi to be securely transported to and from [REDACTED], if so ordered by the Panel. For operational and security reasons, the custodial visit should be limited to a single time-limited visit to meet with [REDACTED].<sup>22</sup> The limitation on the number of visitors is necessary due to [REDACTED]. All visits would be conducted within the sight and hearing of the Chief Custody Officer and/or escorting officers, with the assistance of an interpreter, subject to the Panel's approval. The Registry notes that this would be in deviation from the Panel's restrictions imposed on Mr Thaçi's visits through Decision F01977.<sup>23</sup>

29. This visit is only feasible if the prevailing security conditions allow, as elaborated above,<sup>24</sup> and on the understanding that the [REDACTED] and that there is no public information or media coverage about the specific operational aspects of the visit in advance.

iv. Family Visits at the Secure Transfer Facility

30. In addition to the above, to accommodate the additional visits requested with [REDACTED], the Registry assesses that the Chief Custody Officer can facilitate a limited number of in-person visits [REDACTED], with pre-identified immediate family members, at the Specialist Chambers' Secure Transfer Facility

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<sup>21</sup> See above, para. 21.

<sup>22</sup> Request, para. 18.

<sup>23</sup> 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.

<sup>24</sup> See above, para. 21.



in Kosovo.<sup>25</sup> This is on the understanding that such visits would be conducted in a similar way to non-privileged in-person visits at the Detention Facilities in the Host State, under certain applicable conditions required by Decision F01977,<sup>26</sup> and under any other conditions deemed necessary by the Chief Custody Officer.

31. In particular, pursuant to Decision F01977, the Registry recalls that non-privileged in-person visits with Mr Thaçi are actively monitored in the Detention Facilities in the Host State (with the exception of visits with his spouse and children).<sup>27</sup> To enable Mr Thaçi to meet with [REDACTED], [REDACTED] visits with [REDACTED] can be accommodated at the Secure Transfer Facility [REDACTED]. Should the Panel grant the Request, based on final travel arrangements, [REDACTED]. Pursuant to Decision F01977, each in-person visit would be actively monitored.<sup>28</sup> Given the number of visitors envisioned to be present during in each visit, the Registry notes that this would require deviation from the Panel's restrictions imposed through Decision F01977 on the number of visitors present during non-privileged in-person visits.<sup>29</sup>

32. The Registry also welcomes any other conditions deemed appropriate by the Panel.

v. Assistance of External Partners

33. In Kosovo, robust and overt security arrangements [REDACTED] would be required for any custodial visit ordered by the Panel. The Registry would require [REDACTED], as well as [REDACTED].

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<sup>25</sup> See e.g. KSC-BC-2020-06, Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 8 July 2021, confidential and *ex parte* (see also F000386/RED, 16 July 2021), para. 15(f) (authorizing the Accused to meet with immediate family members at the Secure Transfer Facility, under certain conditions). See similarly, KSC-BC-2023-10, F00517, Decision on the Shala Urgent Request for Temporary Release on Compelling Humanitarian Grounds, 9 October 2024, confidential and *ex parte* (see also F00517/RED, 15 November 2024), para. 21(i)-(j).

<sup>26</sup> See F01977, fn. 23 above.

<sup>27</sup> Id., para. 57.

<sup>28</sup> F01977, para. 57.

<sup>29</sup> Ibid.



34. Arranging security support from external partners requires advance notice, as well as advance notification to Host State authorities and advance preparation of any logistical requirements, including transport arrangements.

35. The Registrar requests, pursuant to Article 53 of the Law, that all entities and persons in Kosovo be ordered to comply without undue delay with any request for assistance that may be required.

36. Should the Panel decide to approve this custodial visit, the Registrar will make final operational security planning arrangements with external partners.

vi. Other Considerations and Practical Matters

37. In terms of other considerations and practical matters, as noted above, considerable financial and human resources are required to deploy a several-person transfer team and arrange for [REDACTED] and secure air transport on extremely short notice.

38. As with previous custodial visits, the secrecy of any custodial visit is paramount. Should the Panel order the temporary transfer of Mr Thaçi for a custodial visit to Kosovo, the Registrar requests the Panel to order conditions of secrecy regarding Mr Thaçi's presence on the territory of Kosovo. Specifically, the Registrar requests the Panel to order the Defence, Mr Thaçi, and his family members and associates to refrain from making public statements and to maintain secrecy regarding his presence on the territory of Kosovo prior to and during the entirety of his stay in Kosovo, together with any other conditions deemed appropriate.

39. As emphasised above, it is essential for the successful conduct of Mr Thaçi's custodial visit to his father's grave site and [REDACTED]. Should Mr Thaçi's presence on the territory of Kosovo become known **prior to or after** his arrival, the Registrar requests that the Registry be authorised to make any changes to the operation that are necessary based on the prevailing security conditions, including postponing or terminating any visit(s). In addition, the Registrar requests that the

Registry is authorised to make a statement in this regard.

40. If a custodial visit is ordered by the Panel, the Registry requests that the Defence be ordered to submit to the Detention Management Unit, for prior approval, copies of the identity documents of all persons authorised by the Panel to be at the location(s) of the visits at [REDACTED] or the Secure Transfer Facility, or otherwise participate in the custodial visit. In addition, pre-approved persons would also need to present photographic identification to the Chief Custody Officer upon arrival at the location(s) of the visits. The Registry also requests that the Defence be ordered to provide the [REDACTED] to the Registry in advance.

41. Finally, the Registrar requests authorisation to notify any authorities deemed necessary for the implementation of the Panel's order.

#### IV. CLASSIFICATION

42. This submission is filed as confidential and *ex parte* for distribution to the Panel, Registrar, Specialist Prosecutor's Office, and the Defence for Mr Taçi only, to protect the confidentiality of information related to any safe and secure transfer of Mr Taçi, if so ordered by the Panel.

**Word count: 3324**



**Dr Fidelma Donlon**  
**Registrar**

Tuesday, 18 March 2025  
At The Hague, the Netherlands