



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 17 March 2025

Language: English

Classification: Public

**Public Redacted Version of Decision on Urgent Registrar Request for
Authorisation to Approve Additional Communications for Mr Thaçi Based on
Compassionate Grounds**

Specialist Prosecutor

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Counsel for Kadri Veseli

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Counsel for Rexhep Selimi

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TRIAL PANEL II (“Panel”), pursuant to Articles 21, and 40(2) and (6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 56(6) and 116(4)(d) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 1 December 2023, following a request by the Specialist Prosecutor’s Office (“SPO”),¹ the Panel modified the conditions of detention (“modified detention conditions”) for Hashim Thaçi (“Mr Thaçi”), Kadri Veseli and Rexhep Selimi (collectively, “Three Accused”) (“Decision Modifying the Detention Conditions”).²
2. On 17 March 2025, the Registrar requested that the Panel authorise additional communications for Mr Thaçi on compassionate grounds (“Request”).³
3. On 17 March 2025, following an order expediting the briefing schedule,⁴ the Thaçi Defence informed the Panel that it supports the Request.⁵
4. On 17 March 2025, the SPO indicated that it would not respond to the Request.⁶

¹ F01933, Specialist Prosecutor, *Prosecution Urgent Request for Modification of Detention Conditions*, 17 November 2023, confidential, with Annexes 1-5, confidential. A public redacted version was filed on 22 November 2023, F01933/RED.

² F01977, Panel, *Further Decision on the Prosecution’s Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi*, 1 December 2023, paras 51-53, 55-60, 62-76, 84(c).

³ F03023, Registry, *Urgent Registrar’s Request for Authorisation to Approve Additional Communications for Mr Thaçi Based on Compassionate Grounds*, 17 March 2025, confidential and *ex parte*.

⁴ CRSPD762, *Email from Trial Panel II to the Thaçi Defence and the SPO Expediting the Briefing Schedule for F03023*, 17 March 2025, confidential.

⁵ CRSPD762, *Thaçi Defence Response to Email from Trial Panel II to the Thaçi Defence and the SPO Expediting the Briefing Schedule for F03023*, 17 March 2025, confidential.

⁶ CRSPD762, *SPO Response to Email from Trial Panel II to the Thaçi Defence and the SPO Expediting the Briefing Schedule for F03023*, 17 March 2025, confidential.

II. SUBMISSIONS

5. The Registrar notes that Mr Thaçi's father has passed away and that Mr Thaçi has requested, through the Detention Management Unit ("DMU"), to be allowed to contact [REDACTED].⁷ The Registrar, therefore, exceptionally, and based on compassionate grounds, requests the Panel's authorisation to allow Mr Thaçi to have additional telephone calls and/or video visits with [REDACTED],⁸ as follows: (i) [REDACTED];⁹ (ii) [REDACTED];¹⁰ and (iii) [REDACTED], to be scheduled in line with the family members' availabilities and DMU resources.¹¹

III. APPLICABLE LAW

6. Pursuant to Article 40(2) and (6) and Rule 116, the Panel shall take all necessary measures, on an ongoing basis, as are necessary to facilitate the fair and expeditious conduct of the trial proceedings and to protect the Accused, witnesses and victims.

7. Pursuant to Rules 56(6) and 116(4)(d), the Panel may rule on conditions of detention and related matters. Pursuant to Article 1(3) of the Practice Direction on Visits and Communications, the rules therein do not affect, and are subject to, any order or decision of the Panel under Rule 56 of the Rules of Procedure and Evidence.

IV. DISCUSSION

8. The Panel recalls that in the Decision Modifying the Detention Conditions, the Panel modified the conditions of detention for the Three Accused and, *inter*

⁷ Request, paras 4-5, 7(c).

⁸ Request, paras 7-10.

⁹ Request, para. 7(a).

¹⁰ Request, para. 7(b).

¹¹ Request, para. 7(c).

alia, imposed certain conditions on telephone calls and video visits and limited the number of telephone calls and video visits.¹²

9. The Registrar outlines that Mr Thaçi already has two telephone calls scheduled on 17-18 March 2025.¹³ Accordingly, under the Decision Modifying the Detention Conditions, Mr Thaçi is not permitted to have any further calls. Therefore, the Registrar asks the Panel to approve additional calls for Mr Thaçi.¹⁴

10. The Panel recalls that pursuant to Rule 56(6), without prejudice to Article 21(4)(c), it may, upon request or *proprio motu*, rule on conditions of detention.

11. The Panel is of the view that the passing of Mr Thaçi's father constitutes exceptional circumstances justifying the amendment of the Decision Modifying the Detention Conditions to allow Mr Thaçi additional calls with close family members, as set out in paragraph 5, above, and subject to any potential re-scheduling deemed necessary to accommodate the family members' availabilities and/or DMU resources.

12. In addition, the Panel notes that the Registrar proposes that some of the additional calls be subject to certain conditions which will ensure the effective protection of witnesses. The Panel therefore permits the Registrar to institute conditions, such as active monitoring and limiting calls to telephone numbers verified by the Registrar, on the additional communications as deemed necessary and appropriate and in line with the Decision Modifying the Detention Conditions.

13. In light of the above, the Panel grants the Request.

¹² Decision Modifying the Detention Conditions, paras 62-69.

¹³ Request, para. 6.

¹⁴ Request, paras 7-10.

V. CLASSIFICATION

14. The Panel notes that the Request is confidential and *ex parte*. The Panel, therefore, orders the Registrar to request reclassification or file a public redacted version of the filing by **Monday, 24 March 2025**.

VI. DISPOSITION

15. In light of the foregoing, the Panel hereby:

- a) **GRANTS** the Request;
- b) **AUTHORISES** the Registrar to exceptionally allow Mr Thaçi to have additional telephone calls and/or video visits as set out in paragraphs 5, 11 and 12; and
- c) **ORDERS** the Registrar to request reclassification or file a public redacted version of the filing by **Monday, 24 March 2025**.



Judge Charles L. Smith, III
Presiding Judge

Dated this Monday, 17 March 2025

At The Hague, the Netherlands.