



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-06

**The 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: 19 March 2025

Language: English

Classification: Public

**Public Redacted Version of Decision on Thaçi Defence Sixth Urgent Request for
Temporary Release on Compassionate Grounds**

Specialist Prosecutor

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TRIAL PANEL II ("Panel"), pursuant to Articles 21(3), 41 and 53 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 56(3) and (5) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. Hashim Thaçi ("Mr Thaçi") has been in detention since his surrender into the custody of the Specialist Chambers ("SC") on 5 November 2020.¹
2. On 1 December 2023, following a request by the Specialist Prosecutor's Office ("SPO"),² the Panel modified the conditions of detention for Mr Thaçi, Kadri Veseli and Rexhep Selimi ("Decision Modifying the Detention Conditions").³
3. On 12 March 2025, after hearing submissions from the Parties and the Registry,⁴ the Panel granted a request for the temporary release of Mr Thaçi on compassionate grounds.⁵
4. On 17 March 2025, the Defence for Mr Thaçi ("Thaçi Defence") filed a further urgent request for the temporary release of Mr Thaçi on compassionate grounds ("Request").⁶

¹ F00065, Registrar, *Report on the Arrest and Transfer of Hashim Thaçi to the Detention Facilities*, 9 November 2020, confidential and *ex parte*, para. 7, with one Annex, strictly confidential and *ex parte* (a public redacted version was filed on 18 November 2020, F00065/RED).

² 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.

³ 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).

⁴ F02996, Specialist Counsel, *Further Supplement to Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds*, 10 March 2025, confidential and *ex parte*, with one Annex, confidential and *ex parte*; F02999, Registrar, *Registrar's Submissions on Fifth Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds*, 11 March 2025, confidential and *ex parte*; F03000, Specialist Prosecutor, *Prosecution Response to Thaçi's Renewed Release Request*, 11 March 2025, confidential and *ex parte*.

⁵ F03004, Panel, *Decision on Thaçi Defence Fifth Urgent Request for Temporary Release on Compassionate Grounds*, 12 March 2025, confidential and *ex parte*.

⁶ F03024, Specialist Counsel, *Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds*, 17 March 2025, confidential and *ex parte*, with one Annex, confidential and *ex parte*.

5. On 17 March 2025, the Registrar filed preliminary submissions noting that it was proceeding in an expedited manner and intended to submit its assessment by 18 March 2025 at noon (“Registrar Preliminary Submissions”).⁷

6. On 18 March 2025, following an order for an expedited briefing schedule,⁸ the Specialist Prosecutor’s Office (“SPO”) responded to, and the Registrar made submissions on, the Request (“SPO Response” and “Registrar Submissions”, respectively).⁹

7. On 18 March 2025, the Thaçi Defence replied to the SPO Response and Registrar Submissions (“Reply”).¹⁰

II. SUBMISSIONS

8. The Thaçi Defence requests that the Panel order the temporary custodial release of Mr Thaçi for two days to allow him to attend his father’s funeral and to visit his mother, wife, son, brothers and sisters in order to grieve the passing of his father.¹¹ Specifically, the Thaçi Defence requests that Mr Thaçi be authorised to: (i) attend the funeral of his father on 18 March 2025 at 15:00, and to remain with his mother during the funeral;¹² (ii) receive immediate family members in [REDACTED] (“[REDACTED]”), in the presence of his mother, Mrs Hyra Thaçi, and of his mother’s carer, [REDACTED], and/or his sister, [REDACTED], [REDACTED];¹³ and (iii) attend three visits of one hour each, in the presence of his mother, with

⁷ F03025, Registrar, *Registrar’s Preliminary Submissions on Sixth Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds*, 17 March 2025, confidential and *ex parte*.

⁸ CRSPD764, *Email from Trial Panel II to the SPO, the Registry and the Thaçi Defence Expediting the Briefing Schedule for F03024*, 17 March 2025, confidential.

⁹ F03031, Registrar, *Registrar’s Submissions on Sixth Urgent Thaçi Defence Request for Temporary Release on Compassionate Grounds*, 18 March 2025, confidential and *ex parte*; F03032, Specialist Prosecutor, *Prosecution Response to Urgent Thaçi Release Request*, 18 March 2025, confidential and *ex parte*.

¹⁰ F03035, Specialist Counsel, *Urgent Thaçi Defence Consolidated Reply to the Registrar’s Submissions F03031 and the SPO Response F03032*, 18 March 2025, confidential and *ex parte*.

¹¹ Request, paras 1, 5, 16-17, 30; Annex to the Request.

¹² Request, para. 17.

¹³ Request, para. 18.

his wife and son, a first group of 3 or 4 of his siblings, and a second group of 3 or 4 of his siblings.¹⁴ The Thaçi Defence submits that the passing of Mr Thaçi's father constitutes urgent, compelling, and exceptional circumstances justifying Mr Thaçi's temporary release on humanitarian grounds.¹⁵

9. The Thaçi Defence adds that any perceived risk associated with the requested release is mitigated as: (i) Mr Thaçi will abide by any condition imposed by the Panel;¹⁶ (ii) Mr Thaçi is not a flight risk;¹⁷ (iii) Mr Thaçi was provisionally released, on three prior occasions, without any incident;¹⁸ and (iv) while Mr Thaçi has been charged with criminal offences against the administration of justice and public administration and criminal offences against public order in KSC-BC-2023-12 ("Case 12"), he is presumed innocent and his parents and his wife have no connection to these allegations.¹⁹ Lastly, the Thaçi Defence notes that a similar request is being filed before the Pre-Trial Judge in Case 12.²⁰

10. The Registrar notes that the basis for the Request is the passing of Mr Thaçi's father, which, in her opinion, justifies humanitarian measures to facilitate the temporary transfer of the Accused for a custodial visit to Kosovo.²¹

11. The Registrar outlines the security, feasibility and operational requirements necessary to comply with the Request.²² Specifically, the Registrar outlines that the visit is only feasible on the understanding that there is no public information or media coverage about the specific operational aspects of the visit in advance.²³ The Registrar emphasises that if the feasibility of visiting specific locations during

¹⁴ Request, para. 19(i)-(iii).

¹⁵ Request, paras 1, 22, 30.

¹⁶ Request, para. 23.

¹⁷ Request, para. 24.

¹⁸ Request, para. 24.

¹⁹ Request, para. 25.

²⁰ Request, para. 2.

²¹ Registrar Submissions, para. 16.

²² Registrar Submissions, paras 14-22.

²³ Registrar Submissions, para. 20.

the transfer change, the chief custody officer should be permitted to postpone or terminate the visit(s).²⁴

12. Based upon her assessment, the Registrar submits that, should custodial release be granted: (i) it is necessary that the visit take place *after* the end of the public commemoration events scheduled for 18-20 March 2025;²⁵ (ii) a visit for two days departing on [REDACTED] March 2025, and returning on [REDACTED] March 2025 can be accommodated;²⁶ (iii) during the custodial visit, Mr Thaçi should remain in the custody of the SC, and under escort at all times;²⁷ (iv) a visit, [REDACTED], to the gravesite of Mr Thaçi's father on [REDACTED] March 2025 can be accommodated;²⁸ (v) a single, time-limited visit to the [REDACTED] on [REDACTED] March 2025, can be accommodated in order for Mr Thaçi to meet with his mother, wife, and son, in the presence of his mother's care-givers;²⁹ (vi) three visits with 2-3 siblings at a time at the Secure Transfer Facility at the [REDACTED] ("Secure Transfer Facility") on [REDACTED] and [REDACTED] March 2025 can be accommodated;³⁰ and (vii) a condition of secrecy must be maintained.³¹

13. The SPO responds that each of the significant and elevated risks posed by Mr Thaçi outlined previously apply.³² The SPO does not oppose the Request but contends that any visit should be fully custodial, for one day only, and all conditions attaching to prior visits should apply.³³ Additionally, the SPO argues that: (i) the visit should be entirely private in nature;³⁴ (ii) the private visit to the

²⁴ Registrar Submissions, para. 21.

²⁵ Registrar Submissions, para. 20.

²⁶ Registrar Submissions, para. 24.

²⁷ Registrar Submissions, para. 24.

²⁸ Registrar Submissions, paras 26-27.

²⁹ Registrar Submissions, paras 28-29.

³⁰ Registrar Submissions, paras 30-31.

³¹ Registrar Submissions, paras 20, 38.

³² SPO Response, para. 2.

³³ SPO Response, paras 1, 5.

³⁴ SPO Response, para. 5(a).

[REDACTED] should not exceed one hour in total and Mr Thaçi should be permitted to meet *only* with his mother, accompanied by any necessary caregiver, and his wife;³⁵ (iii) Mr Thaçi should not be permitted to give or receive any item;³⁶ and (iv) Mr Thaçi should be accompanied at all times, and absolutely no private conversation outside the sight and hearing of a Registry staff member with appropriate linguistic skills should be permitted, including during any visit to his father's gravesite and the [REDACTED].³⁷

14. The Thaçi Defence replies that it regrets that Mr Thaçi will *de facto* not be allowed to attend the funeral of his father,³⁸ but welcomes the alternative proposal of the Registrar and confirms that Mr Thaçi is willing to comply with all the conditions set by the Registrar.³⁹ The Thaçi Defence contends that the limitations proposed by the SPO are not justified as the alleged risks are overstated, outweighed by the humanitarian issue at stake, and the proposed conditions alleviate any perceived risks.⁴⁰

III. APPLICABLE LAW

15. Pursuant to Rule 56(3) of the Rules, 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.

16. Pursuant to Article 53(1) of the Law, all entities and persons in Kosovo shall co-operate with the SC and shall comply without undue delay with any request for assistance or an order or decision issued by the SC.

³⁵ SPO Response, para. 5(b).

³⁶ SPO Response, para. 5(c).

³⁷ SPO Response, para. 5(d).

³⁸ Reply, para. 2.

³⁹ Reply, paras 3, 10.

⁴⁰ Reply, paras 4-8.

IV. DISCUSSION

A. TEMPORARY RELEASE ON COMPELLING HUMANITARIAN GROUNDS

17. The Panel notes that there is no unconditional right to temporary release on compelling humanitarian grounds.⁴¹ A decision whether to release a person on such grounds is subject to the discretion of the Panel, and must account for all relevant circumstances and factors.⁴² What these factors are, as well as the weight to be accorded to them, depends upon the particular circumstances of the case. Accordingly, 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 are among the factors that could be relevant for consideration.⁴³

18. Attending a funeral, or a memorial service, of an immediate family member, has been accepted, under certain conditions, in the SC and other jurisdictions, as a compelling humanitarian ground that might warrant temporary release.⁴⁴

⁴¹ See ECtHR, *Lind v. Russia*, no. 25664/05, [Judgment](#) ("*Lind v. Russia*"), 6 December 2007, para. 94. See also KSC-BC-2020-07, F00604/RED, Trial Panel II, *Public Redacted Version of the Decision on Gucati Defence Request for Temporary Release on Compassionate Grounds* ("Gucati Decision"), 9 May 2022, para. 11.

⁴² See Gucati Decision, para. 11. See also ICTY, *Prosecutor v. Popović et al.*, IT-05-88-AR65.4, IT-05-88-AR65.5 and IT-05-88-AR65.6, Appeals Chamber, [Decision on Consolidated Appeal Against Decision on Borovčanin's Motion for a Custodial Visit and Decisions on Gvero's and Miletić's Motions for Provisional Release During the Break in the Proceedings](#), 15 May 2008, para. 6.

⁴³ See Gucati Decision, para. 11. See also ECtHR, *Lind v. Russia*, para. 95. See also F00640, Pre-Trial Judge, *Third Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds* ("Third Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds"), 8 January 2022, para. 20 (a public redacted version was filed on 17 January 2022, F00640/RED); KSC-CA-2022-01/F00020/RED, 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; KSC-CA-2022-01/F00043/RED, Court of Appeals Panel, *Public Redacted Version of Decision on Gucati's Fourth Request for Temporary Release on Compassionate Grounds*, 22 September 2022, para. 16.

⁴⁴ See e.g., Third Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, para. 21; F00386, Pre-Trial Judge, *Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds*, 8 July 2021, confidential and *ex parte*, paras 15, 22 (a public redacted version was issued on 16 July 2021, F00386/RED); ICTY, *Prosecutor v. Popović et al.*, IT-05-88-A, Appeals Chamber, [Decision on Vinko Pandurević's Urgent Motion for Provisional Release on Compassionate Grounds](#), 11 January 2012, para. 10. See also for example, International Criminal Court, *Prosecutor v. Al Hassan*, ICC-

19. The Panel has accounted for the reasons advanced for the release as well as the close family link between the Accused and the deceased. The Panel has also accounted for the fact that Mr Thaçi's release will not disrupt the proceedings and will not, therefore, negatively affect the rights of the other defendants to a trial without undue delay.

20. In making its assessment, the Panel also takes into account that Mr Thaçi is charged with six counts of crimes against humanity involving allegations of murder, enforced disappearance of persons, persecution, imprisonment, torture, and other inhumane acts.⁴⁵ Mr Thaçi is also charged with four counts of war crimes of murder, torture, cruel treatment, and illegal or arbitrary arrest and detention.⁴⁶ Although he enjoys the presumption of innocence in respect of all charges, his continued detention has been found to be necessary.⁴⁷ The Panel also notes that it has had to adopt additional measures to address Mr Thaçi's contacts with certain individuals in order to counter the risk of improper disclosure of sensitive and confidential information.

21. The Panel notes that the SPO does not oppose a strictly supervised, fully custodial visit for one day and that both the SPO and the Registry set out a number of logistical measures and security conditions that they say would make such a visit feasible.⁴⁸

01/12-01/18-1227-Red, Trial Chamber X, [Public Redacted Version of "Decision on the Urgent Defence Request for a Custodial Visit on Compassionate Grounds"](#), 23 December 2020 (a public redacted version as notified on 18 January 2021), para. 8; *Prosecutor v Jean-Pierre Bemba*, ICC-01/05-01/08-1099-Red, Trial Chamber III, [Public Redacted Version of ICC-01/05-01/1099-Conf Decision on the Defence Request for Mr Jean-Pierre Bemba to Attend his Stepmother's Funeral](#), 12 January 2011, para. 13; *id.*, ICC-01/05-01/08-437-Red, Pre-Trial Chamber II, [Public Redacted Version of ICC-01/05-01/08-437-CONF Decision on the Defence's Urgent Request Concerning Mr Jean-Pierre Bemba's Attendance of his Father's Funeral](#), 3 July 2009, para. 9.

⁴⁵ F01323/A01, Specialist Prosecutor, *Annex 1 to Prosecution Further Submissions Pursuant to Decision F01229 ("Indictment")*, 27 February 2023, para. 177.

⁴⁶ Indictment, para. 177.

⁴⁷ F02926, Panel, *Decision on Periodic Review of Detention of Hashim Thaçi ("Detention Decision")*, 13 February 2025, paras 36, 38(a).

⁴⁸ SPO Response; Registrar Submissions.

22. Having considered all relevant factors, the Panel finds that, on balance and in the present circumstances, the passing of Mr Thaçi's father constitutes compelling humanitarian grounds justifying Mr Thaçi's temporary release for a custodial visit.

B. CONDITIONS OF CUSTODIAL VISIT

23. At the outset, the Panel notes that, while the funeral and public commemoration events for Mr Thaçi's father have taken place, a custodial visit during those events would have posed significant security concerns.⁴⁹ In light of the Registrar's submissions,⁵⁰ the Panel finds that these risks can be appropriately mitigated if a short visit takes place after these events. While the SPO recommends custodial release for one day,⁵¹ in order to accommodate a visit to the gravesite, the [REDACTED], and visitors at the Secure Transfer Facility, the Panel authorises a two-day visit to take place after the end of public commemoration events scheduled for 18-20 March 2025. In coming to that view, the Panel has accounted for the advice of the Registrar regarding the feasibility of such an arrangement, and considered the practicalities involved in enabling all relevant members of Mr Thaçi's close family to meet with him in a meaningful way.

24. The Panel will now turn to the conditions to be imposed on Mr Thaçi's custodial visit.

25. The Panel recalls its previous findings that: (i) a risk continues to exist that Mr Thaçi may obstruct the progress of proceedings and/or commit further offences;⁵² (ii) imposing conditions in relation to Mr Thaçi's release would insufficiently mitigate these risks;⁵³ and (iii) modified conditions of detention were necessary as it appeared that Mr Thaçi provided non-privileged visitors with

⁴⁹ Registry Submissions, paras 19-20.

⁵⁰ Registry Submissions, para. 20.

⁵¹ SPO Response, para. 5.

⁵² Detention Decision, paras 19-23, 25-28.

⁵³ Detention Decision, paras 31-33.

information elicited during the testimony of protected witnesses.⁵⁴ In addition, the Panel notes that Mr Thaçi has been charged – in addition to the charges in these proceedings – with criminal offences against the administration of justice and public administration and criminal offences against public order for allegedly having disclosed secret information disclosed to him in this trial and, together with others, coordinated to unlawfully influence the testimony of and/or contact SPO witnesses in this case.⁵⁵

26. Therefore, in light of the security risks and logistics involved, the Panel considers that conditions falling short of those provided below would not sufficiently address the risks associated with the temporary release of Mr Thaçi.

27. The custodial visit shall last **two days only**, departing on [REDACTED] **March 2025**, and returning on [REDACTED] **March 2025**. The custodial visit shall be carried out under the following conditions:

- a) Mr Thaçi's visit shall at all times be under the condition of secrecy until Mr Thaçi's return from Kosovo. Mr Thaçi, his family members, associates and Counsel shall refrain from informing any third party of the visit prior to and during the entirety of his stay in Kosovo. Counsel shall inform the members of Mr Thaçi's family, with whom Mr Thaçi will be meeting, of their obligation not to disclose the fact that Mr Thaçi will be temporarily released, or when, or where, they will meet with him. They shall make no press contacts or public statements in respect of this matter;
- b) The Registry is only to provide this decision to the SPO, Mr Thaçi, and Mr Thaçi's Lead Counsel and Co-Counsel. Lead Counsel, or Co-Counsel, shall not disclose to any third party (including other members of their team) the existence of the present decision and/or any connected filings

⁵⁴ Decision Modifying the Detention Conditions, paras 51-53, 55-60, 62-64, 66-78, 84(c).

⁵⁵ KSC-BC-2023-12/F00055/A01, Specialist Prosecutor, *Annex 1 to Submission of Public Redacted Version of Confirmed Indictment*, 2 December 2024, paras 6-8, 45.

and/or the temporary release of Mr Thaçi until his return. Lead Counsel shall ensure that other Counsel and members of his team do not, directly or indirectly, comment publicly on this matter and do not share information pertaining to this matter with the media;

- c) Should Mr Thaçi's presence on the territory of Kosovo become known, the Registrar is authorised to make any statement she deems necessary in that regard or take any action she or the chief custody officer deem necessary for reasons of security, including postponing or terminating the custodial visit;
- d) At all times, without exception, Mr Thaçi shall remain in the custody of the SC and under escort. At no time shall Mr Thaçi be alone. Mr Thaçi shall remain in sight and within earshot of escorting officers with appropriate linguistic skills at all times;
- e) Mr Thaçi shall be detained at the Secure Transfer Facility, or at any other location deemed suitable by the Registrar, when not engaged in authorised visits. Mr Thaçi's movements in Kosovo shall be limited to travel between: (i) the airport; (ii) the gravesite of Mr Thaçi's father; (iii) the [REDACTED]; and (iv) the Secure Transfer Facility;
- f) During Mr Thaçi's visit to the gravesite of his father (exact address to be provided by the Thaçi Defence as soon as practicable), [REDACTED], are permitted to be present;
- g) During Mr Thaçi's single, time-limited visit to his [REDACTED], only his mother, his mother's caregivers, his wife, and escort personnel are permitted to be present. At his [REDACTED], all visits should be conducted within the sight and hearing of the chief custody officer and/or escorting officers, with the assistance of an interpreter;

- h) At the Secure Transfer Facility, the Registry will facilitate in-person visiting sessions on [REDACTED] March 2025, and [REDACTED] March 2025, with pre-identified immediate family members. This shall be limited to: Mr Thaçi's siblings, mother, son and wife. Consistent with the Decision Modifying the Detention Conditions,⁵⁶ Mr Thaçi's visit with his wife can be conducted privately. Any visit with Mr Thaçi's mother or sisters, in light of the exceptional circumstances, may also be conducted privately, without monitoring. All other visits, namely any visit attended by Mr Thaçi's brothers and/or his son, shall be conducted within the sight and hearing of the chief custody officer and/or escorting officers, with the assistance of an interpreter. The Registrar may decide how to group relevant visitors in order to accommodate the above in the time available;
- i) The Thaçi Defence is ordered to submit to the Detention Management Unit, for prior approval, copies of the photographic identity documents of all persons authorised to be at the [REDACTED] and/or attend a visiting session at the Secure Transfer Facility;
- j) All persons authorised to be at the [REDACTED] and/or the Secure Transfer Facility need to present photographic identification to the chief custody officer upon arrival at the location(s);
- k) Mr Thaçi shall not have access to communication devices or any other means of communication, including pen and paper, other than as facilitated by the SC;
- l) Mr Thaçi is not permitted to pass or receive items to or from any person without prior inspection and approval of the escorting officer(s);

⁵⁶ Decision Modifying the Detention Conditions, para. 57.

- m) Mr Thaçi shall not have any contact whatsoever or in any way interfere with any victim or potential witness or otherwise interfere in any way with the proceedings or the administration of justice;
- n) Mr Thaçi shall not seek direct access to documents nor destroy evidence;
- o) Mr Thaçi shall not discuss his case with anyone, including the media, other than with his Counsel;
- p) Mr Thaçi shall comply strictly with any further order of the Panel varying the terms or terminating his custodial visit; and
- q) Any breach of the conditions provided herein by Mr Thaçi, his Counsel or his family shall result in the immediate termination of the temporary release.

28. The Panel considers that, given the urgent nature of the request and the present circumstances, the strict custodial conditions outlined above are necessary to outweigh any risks that Mr Thaçi may obstruct the progress of proceedings or commit further crimes.

29. The Panel is further satisfied that, under the present circumstances, **a period of two days**, including travel, enables adequate time for Mr Thaçi to visit the gravesite of his father, the [REDACTED] and meet family members to provide, and receive, emotional support, and is thus proportionate to the grounds for which the temporary release is sought.

30. Should there be a need to amend any of the above conditions, the Parties or Registry shall seize the Panel immediately.

31. To the extent that the present decision amends the Decision Modifying the Detention Conditions, the Panel considers that the passing of Mr Thaçi's father constitutes exceptional circumstances justifying the temporary and exceptional amendment of the Decision Modifying the Detention Conditions for the period of the custodial release as specified above.

C. EXECUTIONS OF CONDITIONS

32. In the implementation of the above conditions, the Panel authorises the Registrar and competent officials of the Registry to make final operational and security arrangements with external partners and to notify any other authorities, including those in the Host State and Kosovo, as necessary for the implementation of this order.

33. The Panel recalls that all entities and persons in Kosovo shall cooperate fully with the SC and shall comply without undue delay with any decision issued by the SC or any request for assistance.

D. REPORTING OBLIGATIONS

34. Throughout the custodial visit, the Registry shall provide the Panel with regular updates via email or telephone calls. Such regular updates shall occur, at the very least, upon: (i) the transfer of Mr Thaçi to Kosovo; (ii) completion of any visit to the gravesite of Mr Thaçi's father; (iii) completion of any visit to his [REDACTED]; (iv) completion of the family visits at the Secure Transfer Facility; (v) any early termination of the visit and reasons therefor; and (vi) Mr Thaçi's return to the detention unit of the SC in the Host State. The Registry shall file a report to the Panel on the implementation of this decision within 10 days of Mr Thaçi's return to the detention unit of the SC.

V. CLASSIFICATION

35. The Panel notes that the Request, the Registrar Preliminary Submissions, the Registrar Submissions, the SPO Response, and the Reply are confidential and *ex parte*. The Panel therefore orders the Thaçi Defence, the Registry and the SPO to request reclassification or file public redacted versions of their respective filings one week after Mr Thaçi's return to the detention facilities of the SC.

VI. DISPOSITION

36. For the above-mentioned reasons, the Panel hereby:

- a) **GRANTS** the Request, in part;
- b) **GRANTS** Mr Thaçi a custodial visit of **two days**, departing on **Friday, 21 March 2025**, and returning on **Saturday, 22 March 2025**, under the conditions set out in paragraph 27, above;
- c) **REJECTS** the Request to attend the funeral and public commemoration events;
- d) **ORDERS** Mr Thaçi to comply with all conditions specified in paragraph 27 above;
- e) **ORDERS** Lead Counsel, and Co-Counsel, for the Thaçi Defence not to disclose to any third party (including other team members) the existence of the present decision and/or the temporary release of Mr Thaçi until Mr Thaçi has returned to The Hague and to advice family members in accordance with paragraph 27.a) above;
- f) **ORDERS** Lead Counsel for the Thaçi Defence to ensure that other Counsel and members of his team do not, directly or indirectly, comment publicly on this matter and do not share information pertaining to this matter with the media until Mr Thaçi has returned to The Hague;
- g) **ORDERS** the Thaçi Defence to submit to the Detention Management Unit the address of the gravesite of Mr Thaçi's father;
- h) **ORDERS** the Thaçi Defence to submit to the Detention Management Unit, for prior approval, copies of the identity documents of all persons authorised to visit the [REDACTED] and/or attend a visiting session at the Secure Transfer Facility;

- i) **INSTRUCTS** the Registry to implement Mr Thaçi's custodial visit under the conditions specified in paragraph 27 above;
- j) **INVITES** the Parties and/or the Registry to seize the Panel immediately should an amendment to the conditions in paragraph 27 be required;
- k) **AUTHORISES** the Registry to make arrangements with external partners for the implementation of this decision;
- l) **AUTHORISES** the Registry to notify any other authorities deemed necessary for the implementation of this decision;
- m) **REMINDS** authorities in Kosovo that they shall comply without undue delay with any decision issued by the SC or any request for assistance;
- n) **ORDERS** the Registry to provide updates and file a report as indicated in paragraph 34 above; and
- o) **ORDERS** the Thaçi Defence, the Registry and the SPO to request reclassification or file public redacted versions of the Request, the Registrar Preliminary Submissions, the Registrar Submissions, the SPO Response, and the Reply one week after Mr Thaçi's return to the detention facilities of the SC.



Judge Charles L. Smith, III
Presiding Judge

Dated this Wednesday, 19 March 2025

At The Hague, the Netherlands.