

From: Samedin Mehmeti
Sent: Sat, 9 Jan 2021 07:29:31 +0000
To: Selim J. Selimi
Cc: Agim Veliu;emmerison.ben@gmail.com;Ardian Bajraktari
Subject: RE: URGENT REQUEST FOR LEGAL ASSISTANCE

Dear Minister,

I confirm, that Kosovo Police is dedicated to fulfill all legal obligations as per our mandate and have the capacities to perform any task/duty as requested by Prosecutors Office or Courts (including SPO or KSC). It is part of our ordinary functions to supervise the implementation of conditions imposed on the provisional release of accused persons pending trial, even for the most serious offences, when this is ordered by a Court in Kosovo, and we routinely perform this function.

Best regards
Samedin Mehmeti
A/ General Director
Kosovo Police
samedin.mehmeti@kosovopolice.com

Sent from my Galaxy

----- Original message -----

From: "Selim J. Selimi" <Selim.J.Selimi@rks-gov.net>
Date: 08/01/2021 21:51 (GMT+01:00)
To: emmerison.ben@gmail.com, Agim Veliu <Agim.Veliu@rks-gov.net>, Samedin Mehmeti <Samedin.Mehmeti@KosovoPolice.com>, Ardian Bajraktari <Ardian.Bajraktari@rks-gov.net>
Subject: Fw: URGENT REQUEST FOR LEGAL ASSISTANCE

Dear Mr. Emerson,

Thank you very much for your email. I am forwarding this email to the Minister of Internal Affairs, Mr. Veliu and Acting General Director Mr. Mehmeti to inform them on your request. I will wait for their response.

In the meanwhile, MoJ General Secretary Mr. Bajraktari will assemble the legal team to analyze the request and we will provide you with a credible response. I understand the time pressure and we will do our best to respond on time.

Best
Selim

From: Ben Emmerson <emmeron.ben@gmail.com>
Sent: Friday, January 8, 2021 9:25 PM
To: Selim J. Selimi
Subject: URGENT REQUEST FOR LEGAL ASSISTANCE

Dear Minister Selimi,

I am writing as the defence counsel for Kadri Veseli at the Kosovo Specialist Chambers ("KSC"). An urgent issue has arisen on which I need to request your assistance, as Minister in charge with international legal co-operation and mutual assistance.

I spoke this morning to the Director of the Kosovo Police Service, Samedin Mehmeti. I asked him to provide an independent witness statement for proceedings at the KSC setting out the capacity of the KPS to monitor and enforce any conditions the Pre-Trial Judge might impose on the conditional release of the accused. In other words, if the Pre-Trial Judge orders that he should remain at his home address, 24 hours a day, whether the KPS has the resources to ensure that this condition is enforced. He said to me that the KPS had worked jointly with the KSC on certain operations. He also said that if requested by the KSC, the KPS would enforce conditions of bail as with any other Kosovo Court.

I asked him if he would be willing to make a statement to this effect in order to avoid the need to seek a subpoena compelling his attendance. He asked me to write formally to him with a request. I asked him for some general information about the capacities of the KPS to include in the draft statement, and he directed me to the KPS website.

On that basis, I prepared a draft witness statement for him to sign based on the information on the website, and our conversation. The draft witness statement is attached. I sent it to Mr Mehmeti as requested by email at 15:44 Kosovo time. I made it clear in the covering email that he was entirely free to delete, add or amend anything in the statement that was factually wrong or incomplete. However, the statement ought to be uncontroversial. The factual information is drawn from the KPS website, and the remainder is based on what he said to me on the phone. The statement does not express any view on whether an accused should be granted provisional release. It merely states that if the Pre-Judge so orders, the KPS has the capacity to enforce conditions imposed on provisional release and would do so if ordered or requested to do so by the Court.

Despite the obvious urgency Mr Mehmeti had not responded to (or even acknowledged) my email. I explained that I needed a response today. The statement is extremely urgent as it has to be incorporated into a written submission in the next 48 hours and submitted to the Court on Monday 11 January 2021. It deals with an extremely important issue that the Pre-Trial judge is obliged to consider as part of Mr. Veseli's application for provisional release.

in the circumstances, may I formally request that you use your good offices to obtain or provide the relevant evidence, in one form or another, as soon as possible. In my view, as Head of the

KPS, Mr. Mehmeti is under a professional and legal obligation to co-operate with reasonable requests for information made for the purposes of Court proceedings, including proceedings at the KSC. It follows that in my opinion, a refusal to provide evidence when properly requested to do so is a breach of his professional duty and could become a breach of his duty to co-operate with the KSC. If precisely the same request came from the SPO, Mr Mehmeti would no doubt comply immediately. The fact that it comes from counsel for one of the accused should make no difference. It is intended for use as evidence before the KSC.

If, despite your intervention, it is not possible to obtain a signed witness statement from Mr. Mehmeti, then please can you find an alternative means of providing the relevant evidence in a signed document that can be placed before the Court. The gist of the information I am requesting is reflected in the draft witness statement, although it can take another form (eg an exchange of signed correspondence). Obviously, the person providing the information should be of a suitably senior level of responsibility, and should be willing to sign it and attest to its truth. The content may of course be amended or altered as appropriate.

With assurances of my highest considerations.

Ben Emmerson QC