

In: KSC-BC-2020-06

Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Kadri Veseli

Date: 06 May 2021

Language: English

Classification: Public

Public Redacted Version of

URGENT

Veseli Defence Request for Modification of Decision KSC-BC-2020-06/F00271

(F/00274 dated 3 May 2021)

Specialist Prosecutor's Office

Jack Smith

Counsel for Kadri Veseli

Ben Emmerson

I. INTRODUCTION

1. The Defence for Mr Kadri Veseli (“Defence”) hereby seizes the Pre-Trial Judge with a modest request to vary one of the conditions governing Mr Veseli’s custodial visit to Kosovo on compassionate grounds.

II. RELEVANT PROCEDURAL BACKGROUND

2. On 30 April 2021, the Pre-Trial Judge rendered his *Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds* (“Decision”).¹

3. Paragraph 19 of the Decision and the classification of the visit as “custodial” make it clear that the Pre-Trial Judge intended that Mr Veseli should only leave the confines of the local detention facility in order to be taken to visit his father in hospital.

4. Paragraph 21 of the Decision states that “[s]hould there be a need to amend any of the [...] conditions, the Parties or Registry shall seize the Pre-Trial Judge immediately”.

III. SUBMISSION

5. On 2 May 2021, Mr Veseli was transported to Kosovo where, shortly after landing, he was taken to visit his father in Mitrovica.

6. Today, 3 May 2021, Mr Veseli is receiving visits from members of his immediate family at the local detention facility of the Kosovo Specialist Chambers.

¹ KSC-BC-2020-06/F00271.

7. Mr Veseli, his defence team and members of his family have, at all times, complied with the instructions of the Chief Custody Officer and have endeavoured to ensure maximum respect for both the terms and confidentiality of the Decision.²

8. Mr Veseli's 92 year-old mother is blind and confined to her bed on account of severe infirmity.³ Sadly, she has not been able to visit her son at the local detention facility as both she and Mr Veseli would have desired.

9. Objectively, it is both humane and essential for Mr Veseli to comfort his mother at a time when his father's medical situation is so grave, Subjectively, it is one of the primary purposes of the custodial visit. As detailed below, it can be done with minimal disruption to the security protocol.

10. The Defence has brought all concerns to the attention of the Chief Custody Officer and the parties have discussed ways of facilitating contact between Mr Veseli and his mother with the minimum of operational inconvenience.

11. Mr Veseli's mother resides at [REDACTED] which is located [REDACTED]. Two premises are situated at the aforementioned address, both of which may be vacated in order to accommodate the law-enforcement officials necessary to secure such a visit.

12. Accordingly, the Defence requests that a short fifteen (15) minute visit to Mr Veseli's mother be facilitated either before or after Mr Veseli's second visit to his father - scheduled, as the Defence has been informed, for tomorrow - 4 May 2020.

² <https://youtu.be/CNSVA7Sv1Sw>: Television news item reporting on Mr Veseli's custodial visit to Kosovo which specifically mentions that members of Mr Veseli's family refused to comment to the press. As the reporter states: "We went to meet his family members and they did not tell us anything on the matter because according to them they could interfere in the process if they give any statement".

³ **Confidential, ex parte, Annex 1:** Statement from [REDACTED] – Mrs Veseli's son and Mr Kadri Veseli's brother. [REDACTED] has, in an annex to the originating motion, cautioned himself as to the obligation of delivering truthful testimony before the Kosovo Specialist Chambers. Given the Orthodox Easter holiday and the urgency of the present request, it has not been possible to approach a doctor with sufficient knowledge of Mrs Veseli's medical issues.

13. The Defence submits that the request is both reasonable and necessary in the circumstances. The request is furthermore proportional to the operational considerations involved in so far as it will not require the officials supervising Mr Veseli to divert excessively from any pre-arranged schedule.

IV. CONCLUSION

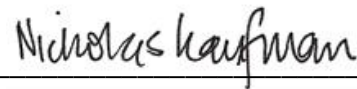
14. In light of all the aforementioned, the Pre-Trial Judge is respectfully requested to modify the Decision in order to permit the visit sought in paragraph 12 above.

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Date: 6 May 2020