



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: Pre-Trial Judge

Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 4 May 2021

Language: English

Classification: Public

**Public Redacted Version of Decision on Veseli Defence Request for Modification
of Decision KSC-BC-2020-06/F00271**

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 53 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law"), and Rule 56(5) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues the following decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 5 November 2020, Kadri Veseli ("Mr Veseli" or "Accused") was arrested pursuant to a decision² and an arrest warrant issued by the Pre-Trial Judge,³ and further to the confirmation of an indictment against him.⁴

2. On 17 December 2020, Mr Veseli filed an application for interim release.⁵

3. On 22 January 2021, the Pre-Trial Judge rejected Mr Veseli's request for interim release.⁶ Mr Veseli appealed the Pre-Trial Judge's decision.⁷ This appeal was denied.⁸

4. On 28 April 2021, Mr Veseli requested immediate temporary release on compassionate grounds ("Initial Request").⁹ That same day, the Registrar filed

¹ KSC-BC-2020-06, F00001, President, *Decision Assigning a Pre-Trial Judge*, 23 April 2020, public.

² KSC-BC-2020-06, F00027/RED, Pre-Trial Judge, *Public Redacted Version of Decision on Request for Arrest Warrants and Transfer Orders*, 26 October 2020, public.

³ KSC-BC-2020-06, F00027/A03/RED, Pre-Trial Judge, *Public Redacted Version of Arrest Warrant for Kadri Veseli*, 26 October 2020, public.

⁴ KSC-BC-2020-06, F00026/RED, Pre-Trial Judge, *Public Redacted Version of Decision on the Confirmation of the Indictment against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, public.

⁵ KSC-BC-2020-06, F00151, Defence for Mr Veseli, *Application for Interim Release of Kadri Veseli*, 17 December 2020, public, with Annexes 1-7, confidential.

⁶ KSC-BC-2020-06, F00178, Pre-Trial Judge, *Decision on Kadri Veseli's Application for Interim Release*, 22 January 2021, public.

⁷ KSC-BC-2020-06/IA001, F00001, Defence for Mr Veseli, *Defence Request to appeal the "Decision on Kadri Veseli's Application for Interim Release"*, 1 February 2021, public.

⁸ KSC-BC-2020-06/IA001, F00005, Court of Appeals Panel, *Decision on Kadri Veseli's Appeal Against Decision on Interim Release*, 30 April 2021, public, para. 78.

⁹ KSC-BC-2020-06, F00265, Defence for Mr Veseli, *Urgent Veseli Defence Request for Temporary Release on Compassionate Grounds*, 28 April 2021, confidential and *ex parte*, with Annexes 1-3, confidential and *ex parte*.

submissions on Mr Veseli's request for temporary release ("Registry Submissions").¹⁰

5. On 29 April 2021, the Specialist Prosecutor's Office ("SPO") responded to the Initial Request ("Response"),¹¹ and Mr Veseli replied to the Response and the Registry Submissions.¹²

6. On 30 April 2021, the Pre-Trial Judge issued a decision granting Mr Veseli a custodial visit under a number of conditions ("Decision Granting Custodial Visit").¹³

7. On 3 May 2021, Mr Veseli filed a request to modify the conditions set forth in the Decision Granting Custodial Visit, in order to allow him to visit his mother, who is 92 years-old, blind and bedridden, in her home [REDACTED] ("Request").¹⁴

8. On 4 May 2021, the SPO responded that it did not oppose the Request, subject to the continued application of the conditions set forth in the Decision Granting Custodial Visit.¹⁵

¹⁰ KSC-BC-2020-06, F00267, Registrar, *Registrar's Submissions on Veseli Defence Request for Temporary Release on Compassionate Grounds*, 28 April 2021, confidential and *ex parte*. A confidential redacted version was filed the following day. KSC-BC-2020-06, F00267/CONF/RED, Registrar, *Confidential Redacted Version of 'Registrar's Submissions on Veseli's Defence Request for Temporary Release on Compassionate Grounds'*, filing F00267 dated 28 April 2021, 29 April 2021, confidential and *ex parte*.

¹¹ KSC-BC-2020-06, F00268, Specialist Prosecutor, *Prosecution Response to Urgent Veseli Release Request*, 29 April 2021, confidential and *ex parte*, paras 18, 25.

¹² KSC-BC-2020-06, F00270, Defence for Mr Veseli, *Urgent Veseli Defence Reply to SPO Filing KSC-BC-2020-06/F00268 & Registry Filing KSC-BC-2020-06/F00267*, 29 April 2021, confidential and *ex parte*.

¹³ KSC-BC-2020-06, F00271, Pre-Trial Judge, *Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds* ("Decision Granting Custodial Visit"), 30 April 2021, confidential and *ex parte*.

¹⁴ KSC-BC-2020-06, F00274, Defence for Mr Veseli, *Urgent Veseli Defence Request for Modification of Decision KSC-BC-2020-06/F00271* ("Request"), 3 May 2021, confidential and *ex parte*, with Annex 1, confidential and *ex parte*.

¹⁵ KSC-BC-2020-06, F00275, Specialist Prosecutor, *Prosecution Response to Urgent Veseli Defence Request for Modification of Decision KSC-BC-2020-06/F00271*, 4 May 2021, confidential and *ex parte*.

II. APPLICABLE LAW

9. 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.

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

III. DISCUSSION

11. The Pre-Trial Judge recalls that, in the Decision Granting Custodial Visit, Mr Veseli was granted visitation with immediate family members, with prior approval of the chief custody officer and upon proof of identity.¹⁶

12. In light of the fact that Mr Veseli seeks to visit his mother, an immediate family member, and the preconditions for such visitations have been met, namely prior approval of the chief custody officer and the provision of proof of identity,¹⁷ the Pre-Trial Judge finds that the Request falls within the parameters of the Decision Granting Custodial Visit. The Pre-Trial Judge accordingly grants Mr Veseli’s request to visit his mother in her home [REDACTED] under the conditions set forth in the Decision Granting Custodial Visit and within the Registry’s operational constraints.

IV. DISPOSITION

13. For the above-mentioned reasons, the Pre-Trial Judge hereby:

- a) **GRANTS** the Request;

¹⁶ Decision Granting Custodial Visit, para. 18(c).

¹⁷ Request, paras 7, 10.

- b) **REMINDS** Mr Veseli of the continued application of the conditions set forth in the Decision Granting Custodial Visit;
- c) **AUTHORISES** the Registry to make arrangements with external partners for the implementation of this decision;
- d) **AUTHORISES** the Registry to notify any other authorities deemed necessary for the implementation of this decision; and
- e) **REMINDS** authorities in Kosovo that they shall comply without undue delay with any decision issued by the SC or any request for assistance.



Judge Nicolas Guillou

Pre-Trial Judge

Dated this Tuesday, 4 May 2021
At The Hague, the Netherlands.