



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

**Filing Participant:** Dr Fidelma Donlon

**Date:** 15 July 2021

**Language:** English

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**Public Redacted Version of**  
**“Registrar’s Submissions on Urgent Request for a Custodial Visit on  
Compassionate Grounds” (F00385), dated 7 July 2021**

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## I. INTRODUCTION

1. Pursuant to Rule 23(2) of the Rules,<sup>1</sup> the Registrar hereby provides submissions on the urgent Request for a Custodial Visit on Compassionate Grounds ('Request').<sup>2</sup>

## II. APPLICABLE LAW

### i. Detention Function

2. Pursuant to Article 3(5) of the Law,<sup>3</sup> the Registry of the Specialist Chambers administers all necessary and auxiliary functions, including detention facilities.

3. Pursuant to Article 34(12) of the Law, the Registrar is responsible for managing and administering the detention function and facilities of the Specialist Chambers in line with international standards and the Law, and the Specialist Chambers' "correction/detention officers shall have the authority and responsibility to exercise powers given to Kosovo Correction Officers under Kosovo law", in accordance with the modalities established by the Law.

4. Pursuant to Article 41(7) and (8) of the Law, persons subject to a detention order of the Specialist Chambers may be detained in facilities overseen by the Specialist Chambers and managed by the Registry, which shall meet relevant international standards.

5. Pursuant to Rule 56(1) of the Rules, in exceptional circumstances, a person may be held in facilities outside of the Host State or Kosovo pending transfer. The detained person shall at all times remain under the authority of the Specialist Chambers.

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<sup>1</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ('Rules'), KSC-BD-03/Rev3/2020, 2 June 2020.

<sup>2</sup> KSC-BC-2020-06, F00383, Urgent Request for a Custodial Visit on Compassionate Grounds, 7 July 2021, confidential and *ex parte*.

<sup>3</sup> Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ('Law'), 3 August 2015.

ii. Interim Release

6. Pursuant to Rule 56(3) of the Rules, “[u]pon request by a detained person or *proprio motu*, the Panel may order the temporary release of a detained person, where compelling humanitarian grounds justify such release”.

7. 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.

### III. SUBMISSIONS

#### **Feasibility and Operational Requirements**

8. The basis for the Accused’s Request is the death of his father. In human terms, this is an extremely painful situation, potentially justifying humanitarian measures to facilitate the temporary transfer of the Accused for a custodial visit in Kosovo.

9. The Accused noted in his Request that his father would be buried at 19:00 this evening and that a three-day mourning period for him will commence tomorrow on 8 July 2021. The Accused also noted that he would require further time to grieve with his immediate family, including his mother. The Accused submits that participating in the mourning ritual and supporting his grieving family is a familial and a religious obligation.<sup>4</sup>

i. Security Situation

10. The Registrar notes her prior submissions in relation to the Accused’s previous request for temporary release based on the frail health of his father who is now deceased,<sup>5</sup> the decisions of the Panel on the Accused’s previous request,<sup>6</sup> and the

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<sup>4</sup> Request, paras 8-9.

<sup>5</sup> F00267, Registrar’s Submission on Veseli Defence Request for Temporary Release on Compassionate Grounds, 28 April 2021, confidential and *ex parte*.

<sup>6</sup> F00271, Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 30 April 2021, confidential and *ex parte*. A public redacted version was issued on 11 May 2021 (F00271/RED). F00276, Decision on Veseli Defence Request for Modification of Decision KSC-BC-2020-06/F00271, 4 May 2021, confidential and *ex parte*. A public redacted version was issued on 11 May 2021 (F00276/RED).

Accused's current Request for a custodial visit under the same terms and conditions as the previous request.<sup>7</sup>

11. The Registry considers that a temporary transfer of the Accused to Kosovo in line with the previous conditions specified by the Panel would be feasible, understanding that the Accused will remain in the custody of the Specialist Chambers at all times.<sup>8</sup>

ii. Facilitating Temporary Transfer to and from Kosovo

12. If the Panel grants the Accused's request, the Registry proposes facilitating again the temporary transfer of the Accused to the Specialist Chambers' secure transfer facility in Kosovo, where the Accused will remain in pre-trial detention in the custody of the Specialist Chambers.

13. The chief custody officer can arrange for the Accused to be securely transported [REDACTED] for one custodial visit, if the Panel so orders. The Accused will be escorted by Specialist Chambers' security staff at all times.

14. In addition, the chief custody officer can facilitate an in-person visit with immediate family members at the Specialist Chambers' secure transfer facility in Kosovo, if the Panel so orders. Such a visit would be conducted in a similar way to in-person family visits in the Detention Facilities in the Host State (i.e., within the sight and hearing of the chief custody officer). As noted by the Accused in his Request, the immediate family members have already been identified and proof of identity provided to the Registry during the previous custodial visit.<sup>9</sup>

iii. Visit [REDACTED]

15. The Accused notes that the mourning ritual will take place [REDACTED], which is located at [REDACTED].

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<sup>7</sup> Request, para. 13.

<sup>8</sup> F00271, para. 18; F00276, para. 13(b).

<sup>9</sup> Request, para. 8.

16. [REDACTED]. Unlike the prior custodial visit, the proposed visit will have a high probability of being public knowledge upon the arrival of the Accused in Kosovo. [REDACTED].

17. Accordingly, in addition to the conditions specified in the Panel's previous decisions,<sup>10</sup> if a custodial visit is ordered by the Panel, the Registry proposes the following conditions on the custodial visit:

- a. the Accused be permitted to visit only with his mother and other immediate family members [REDACTED], subject to prior authorisation and identity verification;
- b. the [REDACTED] be vacated by all non-authorised persons;
- c. the custodial visit be limited to a set duration of 3 hours; and
- d. the custodial visit be terminated if this is assessed to be necessary by the chief custody officer due to security concerns generated by the prevailing conditions.

18. Subject to any order of the Panel, the Registrar will make final operational security planning arrangements [REDACTED] for the movements of the Accused and for any custodial visit in Kosovo.

iv. Length of Temporary Transfer

19. Given the circumstances presented, and subject to the Panel's decision, the Registrar is prepared to rapidly deploy a transfer team, led by a chief custody officer, to Kosovo for the purpose of facilitating a humanitarian visit.

20. The resources needed to stand up the transfer team and rapidly arrange for air transport is, in the opinion of the Registrar, only justifiable in urgent, compelling, and exceptional circumstances, such as the death of the Accused's father.

21. Following prudent planning consultations [REDACTED], which have taken into account available resources, the temporary transfer of the Accused to Kosovo for the

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<sup>10</sup> F00271, para. 18; F00276, para. 13(b).

purpose of a custodial visit can be facilitated for a period of up to 3 days, including travel. Those 3 days would accommodate the necessary travel time, the facilitation of a 3-hour visit [REDACTED], and the facilitation of a family visit with immediately family members at the Specialist Chambers' secure transfer facility in Kosovo under the terms of the last custodial visit.

v. Time to Organise Transfer

22. The proposal described above is the swiftest possible way for the Registry to facilitate the Accused's custodial visit whilst meeting security demands.

23. Registry staff can be rapidly deployed to the secure transfer facility. The logistics required for arranging security support from external partners can be arranged [REDACTED], allowing for notification to Host State authorities and any COVID-19 testing requirements.

24. In short, subject to the Panel's order and the availability of an aircraft, as well as any other logistical restraints, this would mean that the departure of the Accused to Kosovo via air transport could be arranged by the Registry as early as [REDACTED], with the return of the Accused via air transport on [REDACTED].<sup>11</sup>

vi. Accommodation

25. As described above, the Accused would be temporarily accommodated in a secure transfer facility [REDACTED]. [REDACTED]. This facility will be managed by Specialist Chambers' security staff at all times, led by the chief custody officer. Due to the short custodial time in Kosovo, the Registry is satisfied that the secure transfer facility is in line with applicable international standards.

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<sup>11</sup> Unforeseen circumstances may impact upon these timescales.

vii. Assistance of the External Partners

26. In Kosovo, the Registry would require the logistical and security support [REDACTED]. The Registrar will make final operational security planning arrangements [REDACTED] for any custodial visit in Kosovo ordered by the Panel.

27. The Registrar also requests, pursuant to Article 53 of the Law, that all entities and persons in Kosovo be ordered to comply without undue delay with any request for assistance that may be required.

viii. COVID-19 Considerations

28. COVID-19 testing requirements are factored into the logistical planning for the transfer team and the Accused.

29. Depending on the current travel restrictions in place, the Accused may be required to observe the applicable quarantine period in the Host State upon his return to the Detention Facilities in the Host State.

ix. Other Considerations

30. Should the Panel order the temporary transfer of the Accused to the Specialist Chambers' secure transfer facility in Kosovo, as proposed above, the Registrar requests authorisation to notify any authorities deemed necessary for the implementation of the Panel's order.

31. Additionally, the Registrar requests the Panel to order the Defence and the Accused to keep the temporary transfer of the Accused confidential and not to make public any information relating to the Accused's presence on the territory of Kosovo, together with any other conditions deemed appropriate.

IV. CLASSIFICATION

32. This submission is filed as confidential and *ex parte* for distribution to the Specialist Prosecutor and the Defence for Mr Kadri Veseli only to protect the confidentiality of information related to the safe and secure transfer of the Accused.

**Word count: 1621**



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**Dr Fidelma Donlon**  
**Registrar**

Thursday, 15 July 2021  
At The Hague, the Netherlands.