



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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

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“Registrar’s Submissions on Urgent Request for Veseli Defence Request for Modification of Decision KSC-BC-2020-06/F00386” (F00390), dated 9 July 2021

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I. INTRODUCTION

1. Pursuant to Rule 23(2) of the Rules,¹ the Registrar hereby provides submissions on feasibility and operational security requirements in response to the Modification Request² submitted by the Veseli Defence, in which the Accused requests the Pre-Trial Judge to modify the conditions in the Second Decision.³

II. SUBMISSIONS

2. In the Modification Request, the Accused requests that he be permitted: i) to visit his father's graveside; and ii) to visit with 13 other second degree relatives in addition to his immediate family members. These two additional requests were not included in the original request submitted by the Accused on 7 July 2021.⁴

i. Graveside Visit

3. The Accused provides a GPS location for the location of his father's grave.⁵ [REDACTED]. It can also be expected that, shortly after the arrival of the Accused in Kosovo, the media is likely to have a presence [REDACTED], in anticipation of the Accused's arrival.

4. Nevertheless, the Registry considers that a single time-limited visit to the graveside of the Accused's father is feasible. The chief custody officer can arrange for the Accused to be securely transported to and from the grave site of the Accused's father, if the Pre-Trial Judge so orders, understanding that the Accused would at all times remain in the custody of the Specialist Chambers and under escort. In addition,

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

² KSC-BC-2020-06, F00388, Urgent Veseli Defence Request for Modification of Decision KSC-BC-2020-06/F00386, 9 July 2021, confidential and *ex parte* ('Modification Request').

³ F00386, Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 6 July 2021, confidential and *ex parte* ('Second Decision').

⁴ F00383, Urgent Request for a Custodial Visit on Compassionate Grounds, 7 July 2021, confidential and *ex parte*.

⁵ Modification Request, para. 8.

[REDACTED], and the Registry will make the necessary arrangements should the Pre-Trial Judge decide to approve any additional custodial visit.

5. In addition to the conditions specified in the Second Decision,⁶ if a custodial visit to the graveside of the Accused's father is ordered by the Pre-Trial Judge, the Registry proposes the following conditions:

- a. the timing of the custodial visit within the 3-day period be determined by the chief custody officer based on a security assessment of prevailing conditions and operational needs;
- b. the custodial visit be limited to a set duration of 15 minutes;
- c. the custodial visit be cancelled or terminated if the dynamic security assessment by the chief custody officer at the time of the proposed visit indicates that the associated risk of incident is too high to accept or mitigate.

6. The Registrar recalls the condition of secrecy imposed on the custodial visit in the Second Decision, including that "the Accused shall not discuss his case with anyone, including the media, other than with his Counsel and members of his Defence team" and that "the Accused, his Counsel, members of his Defence team, family members, and associates shall refrain from making public statements and shall maintain secrecy regarding the Accused's presence on the territory of Kosovo prior to and during the entirety of Mr Veseli's stay in Kosovo".⁷

7. Accordingly, the Registry emphasises that, should a custodial visit be granted, the condition of secrecy would also apply with respect to the Accused's proposed visit to his father's grave site.

8. The Registry welcomes any other conditions deemed appropriate by the Pre-Trial Judge in relation to the proposed custodial visit.

⁶ Second Decision, para. 15.

⁷ Second Decision, paras 15(k), (l).

9. 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 additional custodial visit to the grave site of the Accused's father.

ii. Other Family Members

10. Taking into account operational security and logistical requirements, the Registry considers that broadening the scope of visitors beyond pre-identified immediate family members is not feasible. Limiting the contacts available to the Accused during the custodial visit is necessary to mitigate the risks associated with his temporary transfer.

11. [REDACTED]. The addition of non-immediate family members to the custodial visit would seriously hinder the ability of the chief custody officer to maintain effective control [REDACTED].

12. In addition, facilitating visits with 13 second-degree relatives at the secure transfer facility is not feasible, either from a logistical or a security perspective. There are public demonstrations⁸ in Kosovo unfolding at the time of this filing, [REDACTED].

13. The Registrar also notes that during the first temporary transfer of the Accused for a custodial visit, [REDACTED] immediate family members of the Accused were authorised to visit the Specialist Chamber's secure transfer facility (namely, [REDACTED]). In addition, the Accused was permitted to visit with his father, now deceased, [REDACTED] and his mother [REDACTED].⁹

⁸ Gazeta Express, [KLA veterans march in support of Thaci and others being held in Hague detention](#), 9 July 2021.

⁹ In contrast to the Defence's assertions in the Modification Request, the two second-degree relatives in paragraphs 9(b)(i) and (9)(b)(v) of the Modification Request have not been approved as immediately family members for the purposes of any prior or upcoming custodial visit.

14. The Registrar also recollects that we are at an advanced operational planning stage, and the Registry has still not received all of the names of immediate family members for the purpose of prior approval by the chief custody officer.¹⁰

III. CLASSIFICATION

15. 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: 940



Dr Fidelma Donlon
Registrar

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

¹⁰ See Second Decision, para. 15(e).