



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2020-06

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

Before: Court of Appeals Panel
Judge Michèle Picard
Judge Emilio Gatti
Judge Kai Ambos

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 19 July 2021

Language: English

Classification: Public

**Public Redacted Version of
Response to Krasniqi Defence Appeal of June 2021 Detention Decision
with public annex 1**

Specialist Prosecutor's Office

Jack Smith

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

I. Introduction

1. With regard to Article 41 of the Law¹ and Rules 57 and 170 of the Rules,² the Specialist Prosecutor's Office ('SPO') responds to the Krasniqi Appeal,³ against the Decision⁴ rejecting the Accused's request for interim release.

2. The Court of Appeals Panel ('Panel') should deny the Krasniqi Appeal in its entirety. As set out in detail below: (a) the Decision was properly reasoned; (b) specific risk factors were weighed correctly; (c) no conditions sufficiently mitigate the risks identified; and (d) detention remains proportionate.

II. Procedural background

3. On 26 October 2020, the Pre-Trial Judge confirmed a ten-count indictment against the Accused which charged him with a range of crimes against humanity and war crimes, including murder, enforced disappearance of persons, persecution, and torture.⁵

4. That same day, the SPO's Arrest Warrant Application⁶ was granted by the Pre-Trial Judge.⁷ The Accused went into custody on 4 November 2020 and was transferred to the seat of the KSC in The Hague.

¹ Law no.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). Unless otherwise indicated, all references to 'Article(s)' are to the Law.

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

³ Krasniqi Defence Appeal Against Decision on Review of Detention of Jakup Krasniqi, KSC-BC-2020-06/IA006/F00001, 7 July 2021, Confidential (notified 8 July 2021; with annex) ('Krasniqi Appeal').

⁴ Public Redacted Version of Decision on Review of Detention of Jakup Krasniqi, KSC-BC-2020-06/F00371/RED, 25 June 2021 (public version notified 30 June 2021) ('Decision').

⁵ Public Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, KSC-BC-2020-06/F00026/RED, 26 October 2020 (public version notified 30 November 2020).

⁶ Public Redacted Version of 'Request for arrest warrants and related orders', filing KSC-BC-2020-06/F00005 dated 28 May 2020, KSC-BC-2020-06/F00005/RED, 17 November 2020 ('Arrest Warrant Application').

⁷ Public Redacted Version of Decision on Request for Arrest Warrants and Transfer Orders, KSC-BC-2020-06/F00027/RED, 26 October 2020 (public version notified 26 November 2020) ('Arrest Warrant Decision').

5. On 22 January 2021, the Pre-Trial Judge issued the January 2021 Detention Decision rejecting the Accused's request for interim release.⁸ The Pre-Trial Judge concluded that there is a risk that the Accused will abscond, obstruct the progress of KSC proceedings or commit further crimes against those who allege that KLA members committed crimes, including witnesses who provided or could provide evidence in the case and/or are due to appear before the KSC. The Pre-Trial Judge further concluded that no conditions would sufficiently mitigate the risks of the Accused obstructing KSC proceedings or committing further crimes.

6. On 30 April 2021, the Appeals Panel confirmed the January 2021 Detention Decision ('Krasniqi Detention Appeals Decision').⁹

7. On 25 June 2021, following submissions of the parties,¹⁰ the Pre-Trial Judge reviewed the Accused's detention in the Decision. Detention was extended because the risks previously identified continued to exist and no conditions could mitigate them. The Pre-Trial Judge also found that the Accused's detention remained proportionate.

⁸ Public Redacted of Decision on Jakup Krasniqi's Application for Interim Release, KSC-BC-2020-06/F00180/RED, 22 January 2021 (public version notified 26 January 2021) ('January 2021 Detention Decision').

⁹ Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against Decision on Interim Release, KSC-BC-2020-06/IA002/F00005/RED, 30 April 2021 ('Krasniqi Detention Appeal Decision').

¹⁰ Public Redacted Version of Krasniqi Defence Submissions on Detention Review, KSC-BC-2020-06/F00329, dated 31 May 2021, KSC-BC-2020-06/F00329/RED, 30 June 2021, *responded to in* Public redacted version of Prosecution response to Krasniqi Defence Submissions on Detention Review, KSC-BC-2020-06/F00345/RED, 14 June 2021 ('June 2021 Detention Response'), *replied to in* Public Redacted Version of Krasniqi Defence Reply to Prosecution Response to Defence Submissions on Detention Review, KSC-BC-2020-06/F00358, dated 18 June 2021, KSC-BC-2020-06/F00358/RED, 30 June 2021.

III. Submissions

A. THE PRE-TRIAL JUDGE WAS NOT REQUIRED TO RE-REASON CONFIRMED FACTORS

8. Many arguments in the Krasniqi Appeal repeat unsuccessful submissions previously raised on appeal. Nowhere is this more apparent than the Krasniqi Defence's submissions alleging that the Decision lacked sufficient reasoning.¹¹

9. The Appeals Panel indicated that there were shortcomings in the reasoning of the January 2021 Detention Decision,¹² but the Appeals Panel itself examined the factors and concluded that there was sufficient evidence in the case record for the Pre-Trial Judge to reach the findings made. The January 2021 Detention Decision was not remanded back for the Pre-Trial Judge to provide further reasoning on any point. At the conclusion of the Krasniqi Appeals Decision, all factors upholding the Accused's detention were sufficiently justified.

10. In this context, and combined with the Appeals Panel's guidance that factual findings underpinning detention need not be set out anew in subsequent detention reviews,¹³ the Pre-Trial Judge was not required to provide further reasoning on the factors already upheld by the Appeals Panel. In the Decision, the Pre-Trial Judge provided clear considerations underpinning each risk found in the Decision, as well as why conditions were insufficient and detention remained proportionate. To the extent that the Accused

¹¹ See especially Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, paras 15, 54.

¹² Krasniqi Detention Appeals Decision, KSC-BC-2020-06/IA002/F00005/RED, paras 29-32.

¹³ *Prosecutor v. Gucati and Haradinaj*, Decision on Nasim Haradinaj's Appeal on Decision Reviewing Detention, KSC-BC-2020-07/IA002/F00005, 9 February 2021, para.55; ICC, *Prosecutor v. Bemba*, Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 27 June 2011 entitled "Decision on Applications for Provisional Release", ICC-01/05-01/08-1626-Red, 12 September 2011, para.60 (citations removed: '[t]he Appeals Chamber has previously held that when a Chamber conducts a review of release or detention, it "does not have to enter findings on the circumstances already decided upon in the ruling on detention" or "entertain submissions by the detained person that merely repeat arguments that the Chamber has already addressed in previous decisions". [...] The Trial Chamber did not have to re-evaluate this factor in the absence of a suggestion that it had changed or no longer existed').

made new submissions in this review, the Pre-Trial Judge gave full reasoning on these points in the course of resolving them.¹⁴

11. The Krasniqi Defence's arguments repeat previous aspects of the Appeals Panel's prior considerations in a manner divorced from its actual findings. In the absence of any justification as to why a factor previously confirmed on appeal should be re-evaluated, the Appeals Panel should summarily dismiss all such arguments.

B. SPECIFIC RISK FACTORS WERE WEIGHED CORRECTLY

12. Specific risk factors challenged by the Accused are addressed below.¹⁵

13. Preliminarily, the Krasniqi Defence challenges the Pre-Trial Judge's legal interpretation of Article 41(6)(b)(iii).¹⁶ The same arguments were raised in the previous appeal,¹⁷ but did not require resolution after the Appeals Panel confirmed the Pre-Trial Judge's findings under Article 41(6)(b)(ii) finding.¹⁸ The SPO's position on these legal arguments was as follows:

Regarding Article 41(6)(b)(iii) specifically, as the PTJ correctly noted, criminal responsibility may arise through various forms of commission. It is not necessary to demonstrate that an accused would personally carry out the *actus reus* of the foreseen crime(s) in order to establish the relevant risk. Indeed, such an interpretation would make a mockery of the provision.

Further, contrary to Defence submissions, it is precisely a risk of, *inter alia*, further serious violent crimes that are at issue. Requiring 'crimes similar to the underlying acts charged' makes clear that the PTJ's Article 41(6)(b)(iii) inquiry concerned crimes of a grave nature. It is

¹⁴ E.g. Decision, KSC-BC-2020-06/F00371, para.51 (explaining the insufficiency of new guarantees provided for conditional release).

¹⁵ It is noted that the Krasniqi Defence alleges that the Pre-Trial Judge erred in considering Krasniqi a flight risk. Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, para.6. This error is raised outside the grounds of appeal and is not substantiated. Noting that the Pre-Trial Judge considered that the Accused's flight risk was mitigated by conditions, such arguments do not affect the outcome of the Decision and need not be considered. See Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Interim Release, KSC-BC-2020-06/IA004/F00005/RED, 30 April 2021, para.32.

¹⁶ Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, paras 34-37.

¹⁷ Public Redacted Version of Krasniqi Defence Appeal Against Decision on Jakup Krasniqi's Application for Interim Release, KSC-BC-2020-06/IA002-F00001, dated 3 February 2021, KSC-BC-2020-06/IA002-F00001/RED, paras 34-38.

¹⁸ Krasniqi Detention Appeals Decision, KSC-BC-2020-06/IA002/F00005/RED, para.66.

apparent that the PTJ considered this risk to be clearly established with respect to the Accused, finding a 'likelihood' that the Accused will, under applicable forms of responsibility, commit such crimes.

The PTJ's finding that Article 41(6)(b)(iii) encompasses future crimes which are 'similar', but need not be 'identical', to the underlying crimes charged contains no error. It was plain to the drafters in 2015 that any armed conflict or attack against the civilian population from the jurisdictional period had already ceased, and would not be applicable to an accused's arrest some 15-20 years after the mandate period. Consequently, the interpretation proposed by the Defence, which seeks to confine the applicability of this detention ground to Article 15(2) offences only, is nonsensical.

It defies rational scrutiny to suggest that the drafters would have deliberately sought to ensure that a wider range of grounds for detention were available in respect of those charged with offences against the administration of justice, than for those charged with core international crimes. If the international crimes charged had to be 'identical' to qualify under Article 41(6)(b)(iii), this provision would effectively be rendered a nullity in all core crimes cases. The Defence places undue emphasis on one article ('the') in the phrase 'the criminal offence' to the exclusion of all other principles of interpretation. The only plausible interpretation of the provision—as acknowledged in the Defence's fall-back position—is that a perfect overlap between offences is not required. As such, the correct enquiry is for the PTJ to assess the likelihood that the Accused, if released, will, under any form of responsibility, engage in or contribute to crimes similar to the underlying acts charged. As noted above, it is precisely such similar crimes that are at issue, and for which the PTJ found a risk to arise.

Moreover, Article 41(6)(b)(iii) sets out three categories of future crimes in relation to which a relevant risk may arise. The KRASNIQI Appeal focuses exclusively on the first of those categories, being the risk that an accused will 'repeat the criminal offence'. However, the PTJ was not specifically addressing only that category of future crime, nor was the relevant portion of the reasoning so confined.

Indeed, there is every indication that the specific factors giving rise to the Article 41(6)(b) risks in respect of the Accused—as described in the Decision—implicate more than one of the categories of potential future crimes. In particular, the PTJ found a 'pattern' of behaviour on the part of the Accused, which - as recently as April 2020 - encompassed branding individuals who merely stated that certain members of the KLA committed crimes as 'collaborators' in the 'service of Milošević's policy of genocide'. As noted by the PTJ, the Accused did so 'in full knowledge' of the context and implications of such terms. As such, the Accused's recent conduct should reasonably be interpreted as an attempt to incite or instigate crimes against such persons and/or a threat indicating his intent to commit future crimes.¹⁹

¹⁹ Public redacted version of Response to Krasniqi Defence Appeal of Detention Decision, KSC-BC-2020-06/IA002/F00003/RED, 15 February 2021 (public version notified 19 February 2021), paras 18-23 (citations removed).

14. These arguments remain applicable in response to the Krasniqi Appeal. To the extent the Panel considers it necessary to address the Article 41(6)(b)(iii) risks, the Defence submissions on this point should be rejected.

1. [REDACTED]

15. [REDACTED].²⁰ [REDACTED].²¹

16. [REDACTED].²² [REDACTED],²³ [REDACTED].

17. [REDACTED].²⁴ [REDACTED],²⁵ [REDACTED].²⁶ [REDACTED].²⁷ [REDACTED]. [REDACTED]. [REDACTED].

18. [REDACTED].²⁸ [REDACTED].²⁹

2. Position of influence

19. The Appeals Panel has previously upheld the Pre-Trial Judge's assessment on Krasniqi's position of influence, and that he has the ability to interact with individuals willing to give him sensitive documents.³⁰ The Pre-Trial Judge's finding in the Decision that Krasniqi holds a position of influence that allows him to elicit the support of sympathisers³¹ is nothing more than a restatement of the Appeals Panel's finding. No

²⁰ [REDACTED].

²¹ [REDACTED].

²² [REDACTED].

²³ [REDACTED].

²⁴ [REDACTED].

²⁵ [REDACTED]. [REDACTED].

²⁶ [REDACTED].

²⁷ [REDACTED].

²⁸ [REDACTED].

²⁹ [REDACTED].

³⁰ Krasniqi Detention Appeals Decision, KSC-BC-2020-06/IA002/F00005/RED, paras 52, 77.

³¹ Decision, KSC-BC-2020-06/F00371/RED, para.38.

reason is given for why this factor should be re-evaluated,³² nor is any discernible error identified.

3. Protective measures

20. The nature of the protective measures required to prosecute this case [REDACTED], and there is no error in taking such risks into account in an Article 41(6)(b) assessment.³³ The Pre-Trial Judge considered, given that the risk to witnesses is inherently high in this case, that the risk of obstruction could not be sufficiently mitigated by protective measures.³⁴ The SPO set out in detail the existence of the climate of intimidation witnesses face in Kosovo,³⁵ and the Pre-Trial Judge was not required to re-reason the inherent risks faced by witnesses in this case.³⁶ Defence references to the number of witnesses granted protective measures – many of which were put in place before the January 2021 Detention Decision since upheld on appeal – demonstrate no discernible error in how protective measures were considered by the Pre-Trial Judge.³⁷ [REDACTED].

4. Climate of intimidation

21. The Appeals Panel has accepted reliance on a general climate of witness intimidation in Kosovo as a relevant contextual factor in the Article 41(6)(b)(ii)

³² *Contra* Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, paras 26, 38(a). It is noted that, in its submissions leading up to the Decision, Krasniqi argued that the recent Kosovo election results are indicative of Krasniqi's waning influence in Kosovo. The Pre-Trial Judge rejected this argument. Decision, KSC-BC-2020-06/F00371/RED, para.36. The Krasniqi Defence does not substantiate its appeal by arguing this conclusion was in error.

³³ In this regard, *see* Decision on Kadri Veseli's Appeal Against Decision on Interim Release, KSC-BC-2020-06/IA001/F00005, 30 April 2021 ('Veseli Detention Appeals Decision'), para.51 (finding no error in the Pre-Trial Judge's assessment when considering issues of witness security and protection of potential witnesses).

³⁴ Decision, KSC-BC-2020-06/F00371/RED, para.39.

³⁵ Arrest Warrant Application, KSC-BC-2020-06/F00005/RED, paras 18-26.

³⁶ *Contra* Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, paras 27-28.

³⁷ *Contra* Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, paras 29-31.

assessment.³⁸ No justification for re-evaluating this factor is provided, nor is a discernible error identified.³⁹

5. Progressive Disclosure

22. The Pre-Trial Judge properly relied upon the fact that the Accused is progressively informed of the evidence underpinning the charges against him, including the identity of witnesses who provided or could provide evidence in the case and/or are due to appear before the KSC.⁴⁰

23. Whether or not the necessity of detention increases because the Accused is progressively informed of the evidence against him is first and foremost a matter for the lower level panel to determine in the exercise of its discretion.⁴¹ By virtue of his detailed understanding of the evidence following the confirmation process, the Pre-Trial Judge is best able to assess how additional disclosure impacts the incentives of the Accused and, correspondingly, the Article 41(6)(b) risks. In the present case, the Accused being progressively informed of the witnesses against him was found, in light of all other relevant factors, as a consideration grounding the necessity of detention. That the Accused are not alleged to be physically perpetrating the charged crimes does not change this assessment, noting that witnesses and evidence linking the Accused to those crimes are also being progressively disclosed.

24. There is no discernible error in the Pre-Trial Judge's assessment;⁴² the Accused merely disagrees with how the Pre-Trial Judge's discretion was applied.

³⁸ See Krasniqi Detention Appeals Decision, KSC-BC-2020-06/IA002/F00005/RED, para.62.

³⁹ *Contra* Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, para.38(b).

⁴⁰ *Contra* Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, para.38(d).

⁴¹ See ICTY, *Prosecutor v. Milutinović et al.*, IT-05-87-AR65.2, Decision on Interlocutory Appeal of Denial of Provisional Release During the Winter Recess, 14 December 2006, para.15 (in the context of the Accused progressively hearing the evidence against him during trial).

⁴² To the contrary, the ICC Appeals Chamber expressly endorsed relying on this factor in the same manner. See ICC, *Prosecutor v. Gbagbo*, ICC-02/11-01/11-278-Red, Judgment on the appeal of Mr Laurent Koudou Gbagbo against the decision of Pre-Trial Chamber I of 13 July 2012 entitled "Decision on the 'Requête de la

C. NO CONDITIONS SUFFICIENTLY MITIGATE THE RISKS IDENTIFIED

25. The Pre-Trial Judge's finding that no conditions could mitigate the risks posed by the Accused has been upheld on appeal.⁴³ The Pre-Trial Judge gave detailed reasons as to why conditions were insufficient, and did so in light of the new conditions and information provided by the Defence.⁴⁴ The Krasniqi Defence merely disagrees with how the Pre-Trial Judge balanced the proposed conditions against the risks, and no discernible error is identified.⁴⁵

26. If no condition can mitigate the risks identified, as in the present case, a chamber is not obligated to assess a State's willingness and ability to enforce conditions.⁴⁶ This said, the Pre-Trial Judge also properly weighed the guarantees provided by the General Director of Kosovo Police.⁴⁷ Vague assurances from the General Director of the Kosovo Police have previously been deemed insufficient by the Pre-Trial Judge to address the risk of obstruction,⁴⁸ and the Appeals Panel upheld this finding.⁴⁹ There is no discernible error in relying on the lack of specificity of these assurances as concerns Krasniqi.

Défense demandant la mise en liberté provisoire du président Gbagbo", 26 October 2012 ('Gbagbo Appeals Judgment'), para.65 (citations removed: '[...] the Appeals Chamber notes that the Pre-Trial Chamber found that the disclosure of evidence "amplified" the risk to the investigation and the court proceedings in case of Mr Gbagbo's release. In the view of the Appeals Chamber, this finding cannot be faulted. Disclosure enhances the detainee's knowledge of the Prosecutor's investigation. Therefore under article 58 (1) (b) (ii) of the Statute [governing risk of interference at the ICC] it may be a relevant factor.').

⁴³ Krasniqi Detention Appeals Decision, KSC-BC-2020-06/IA002/F00005/RED, paras 77-83.

⁴⁴ Decision, KSC-BC-2020-06/F00371, paras 50-52.

⁴⁵ *Contra* Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, paras 40-46.

⁴⁶ *Gbagbo Appeals Judgment*, ICC-02/11-01/11-278-Red, 26 October 2012, para.80.

⁴⁷ *Contra* Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, paras 42-44. *See also* June 2021 Detention Response, KSC-BC-2020-06/F00345/RED, paras 16-18.

⁴⁸ *See* Decision on Kadri Veseli's Application for Interim Release, KSC-BC-2020-06/F00178, 22 January 2021, para.59, *in relation to* Annex 11 to Defence Reply to the SPO's response to the Provisional Release Application of Kadri Veseli, KSC-BC-2020-06/F00174/A11, 13 January 2021. *See also* Public Redacted Version of Decision on Review of Detention of Kadri Veseli, KSC-BC-2020-06/F00380, 2 July 2021, para.49.

⁴⁹ Veseli Detention Appeals Decision, KSC-BC-2020-06/IA001/F00005, para.74 (noting 'the low level of detail provided in the Kosovo Police's blanket guarantee, its vague and general character, its focus on the risk of flight and its silence on any measures to prevent prohibited communications').

D. DETENTION REMAINS PROPORTIONATE

27. The Appeals Panel has previously determined that the Pre-Trial Judge's detention assessment did not require estimating the probable length of detention.⁵⁰ The Pre-Trial Judge did not accept any particular party's estimate on the start date of trial, only relying on the fact that the parties differed in their estimates.⁵¹ Wide differences in these estimates remain. The Appeals Panel has itself cited this consideration when confirming the Pre-Trial Judge's prior finding on the proportionality of the Accused's detention,⁵² and did so without evaluating the relative merits of any particular estimate.

28. All relevant considerations underpinning the finding that detention remained proportionate are set out clearly,⁵³ and the Pre-Trial Judge committed no discernible error in concluding that estimating pre-trial detention remained premature and speculative.⁵⁴ Moreover, contrary to Defence submissions, the proportionality of the Accused's detention will continue to be reviewed on a regular basis pursuant to Rule 57. Consequently, the Decision did not determine that the Accused will be detained for the entire period prior to the commencement of trial.⁵⁵ The Pre-Trial Judge also did take into account the Accused's difficulties in getting family visits during the global pandemic,⁵⁶ and in this regard Krasniqi merely disagrees with the weight the Pre-Trial Judge attributed to this factor.⁵⁷

⁵⁰ See Krasniqi Detention Appeals Decision, KSC-BC-2020-06/IA002/F00005/RED, para.71.

⁵¹ Decision, KSC-BC-2020-06/F00371/RED, para.59.

⁵² Krasniqi Detention Appeals Decision, KSC-BC-2020-06/IA002/F00005/RED, para.71.

⁵³ Decision, KSC-BC-2020-06/F00371/RED, para.59.

⁵⁴ *Contra* Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, paras 47-53.

⁵⁵ *Contra* Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, para.49.

⁵⁶ Decision, KSC-BC-2020-06/F00371/RED, para.60.

⁵⁷ Krasniqi Appeal, KSC-BC-2020-06/IA006/F00001, paras 50-51. Krasniqi's arguments remain premised on an assumption that these issues would have been different in Kosovo, which is not necessarily the case. June 2021 Detention Response, KSC-BC-2020-06/F00345/RED, para.24, fn.53, citing Ombudsperson Institution of Kosovo, Annual Report 2020, 27 April 2021, available at <https://oik-rks.org/en/2021/04/14/annual-report-2020/>, p.106 ('[s]ome rights of prisoners, which are guaranteed by the

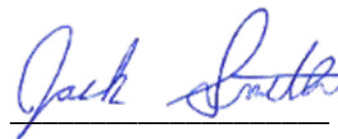
IV. Classification

29. The present submission is submitted confidentially pursuant to Rule 82(4). The SPO will file a public redacted version.

V. Conclusion

30. For the foregoing reasons, the Panel should deny the Krasniqi Appeal in its entirety.

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Jack Smith
Specialist Prosecutor

Monday, 19 July 2021
At The Hague, the Netherlands.

Constitution of the Republic of Kosovo, Law no.04/L-149 on the Execution of Penal Sanctions [...] and other applicable laws, depending on the situation with COVID-19 were restricted and restored after the situation with COVID-19 improved. These rights in general are: contacts with the outside world, realization of family visits and free visits, development of activities inside prisons, etc.'). Given that the Registry has indicated that in-person family visits for detainees resumed on 15 July, pandemic imposed limitations on Krasniqi's family visits may be ending soon. *See* Registrar's Submissions for the Sixth Status Conference, KSC-BC-2020-06/F00402, 16 July 2021 (notified 19 July 2021), para.8.