



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: 13 October 2021

Language: English

Classification: Confidential

Order to the Registrar to Provide Information on the Detention Regime

Specialist Prosecutor

Jack Smith

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Victims

Simon Laws

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law"), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 4 and 5 November 2020 (as the case may be),² further to the confirmation of an indictment,³ Kadri Veseli ("Mr Veseli"), Rexhep Selimi ("Mr Selimi") and Jakup Krasniqi ("Mr Krasniqi") (collectively "Accused") were arrested pursuant to a decision and arrest warrants issued by the Pre-Trial Judge.⁴
2. On 22 January 2021, the Pre-Trial Judge denied the applications for interim release submitted on behalf of the Accused.⁵

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

² KSC-BC-2020-06, F00044, Registrar, *Notification of Arrest of Jakup Krasniqi Pursuant to Rule 55(4)*, 4 November 2020, public; F00049, Registrar, *Notification of Arrest of Rexhep Selimi Pursuant to Rule 55(4)*, 5 November 2020, public; F00050, Registrar, *Notification of Arrest of Kadri Veseli Pursuant to Rule 55(4)*, 5 November 2020, public.

³ KSC-BC-2020-06, F00026, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte* (a confidential redacted version and a public redacted version were issued on 19 November 2020 and 30 November 2020, respectively, F00026/CONF/RED and F00026/RED); F00045/A01, Specialist Prosecutor, *Indictment*, 4 November 2020, strictly confidential and *ex parte* (a confidential redacted version and a public, further redacted version were issued on the same day, F00045/A02 and F00045/A03).

⁴ KSC-BC-2020-06, F00027, Pre-Trial Judge, *Decision on Request for Arrest Warrants and Transfer Orders*, 26 October 2020, confidential (a public redacted version was issued on 26 November 2020, F00027/RED); F00027/A03, *Arrest Warrant for Kadri Veseli*, 26 October 2020, strictly confidential and *ex parte*; F00027/A05, *Arrest Warrant for Rexhep Selimi*, 26 October 2020, strictly confidential and *ex parte*; F00027/A07/COR, *Corrected Version of Arrest Warrant for Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte* (public redacted versions were issued on 5 November 2020, F00027/A03/RED, F00027/A05/RED and F00027/A07/COR/RED).

⁵ KSC-BC-2020-06, F00178, Pre-Trial Judge, *Decision on Kadri Veseli's Application for Interim Release*, 22 January 2021, public; F00179, Pre-Trial Judge, *Decision on Rexhep Selimi's Application for Interim Release*, 22 January 2021, confidential (a public redacted version was issued on 26 January 2021, F00179/RED); F00180, Pre-Trial Judge, *Decision on Jakup Krasniqi's Application for Interim Release*, 22 January 2021, confidential (a public redacted version was issued on 26 January 2021, F00180/RED).

3. On 25 June 2021 and 2 July 2021 (as the case may be), the Pre-Trial Judge ordered the continued detention of the Accused.⁶

4. On 1 October 2021, the Court of Appeals issued the decisions on the appeals of the Accused against the Pre-Trial Judge's decisions ordering their continued detention of 25 June 2021 and 2 July 2021.⁷ It, *inter alia*, remanded these decisions to the Pre-Trial Judge for further consideration in order to assess whether the Kosovo Police can effectively enforce the conditions proposed by the Accused or any further condition identified by the Pre-Trial Judge as necessary to mitigate the identified risks.⁸

5. On 8 October 2021, the Pre-Trial Judge, without prejudice to any determination to be made in relation to the decisions remanded by the Court of Appeals, ordered the Kosovo Police to provide information regarding: (i) the authority and capability of the Kosovo Police to restrict the movements of individuals subject to conditional release, monitor and restrict such individuals' communications, administer house arrest, and the enforceability of conditions attaching to interim release; and (ii) previous instances of enforcing conditions attaching to the interim release or detention of persons accused of severe crimes.⁹

⁶ KSC-BC-2020-06, F00371, Pre-Trial Judge, *Decision on Review of Detention of Jakup Krasniqi*, 25 June 2021, confidential (a public redacted version was issued on 30 June 2021, F00371/RED); F00372, Pre-Trial Judge, *Decision on Review of Detention of Rexhep Selimi*, 25 June 2021, confidential (a public redacted version was issued on 30 June 2021, F00372/RED); F00380, Pre-Trial Judge, *Decision on Review of Detention of Kadri Veseli*, 2 July 2021, confidential (a public redacted version was issued on the same day, F00380/RED).

⁷ KSC-BC-2020-06, IA006/F00005, Court of Appeals, *Decision on Jakup Krasniqi's Appeal Against Decision on Review of Detention* ("Krasniqi Appeal Decision"), 1 October 2021, confidential; IA007/F00005, Court of Appeals, *Decision on Rexhep Selimi's Appeal Against Decision on Review of Detention* ("Selimi Appeal Decision"), 1 October 2021, confidential; IA008/F00004, Court of Appeals, *Decision on Kadri Veseli's Appeal Against Decision on Review of Detention* ("Veseli Appeal Decision"), 1 October 2021, confidential (public redacted versions were issued on the same day, IA006/F00005/RED, IA007/F00005/RED, IA008/F00004/RED).

⁸ Krasniqi Appeal Decision, paras 56-58; Selimi Appeal Decision, paras 56-58; Veseli Appeal Decision, paras 51-53.

⁹ KSC-BC-2020-06, F00513, Pre-Trial Judge, *Order to the Kosovo Police to Provide Information*, 8 October 2021, public, with one confidential Annex.

II. APPLICABLE LAW

6. Pursuant to Article 39(13) of the Law, the Pre-Trial Judge may, where necessary, at the request of a Party or Victims Counsel or on his or her own motion, issue any other order as may be necessary for the preparation of a fair and expeditious trial.

III. DISCUSSION

7. Having regard to the aforementioned decisions of the Court of Appeals and the information to be provided by the Kosovo Police, the Pre-Trial Judge, without prejudice to any determination to be made in relation to the decisions remanded by the Court of Appeals, considers it necessary to order the Registrar to provide submissions on:

- (i) the assessment of and approach to achieving a legitimate aim in relation to restrictions on visits and communications at the Specialist Chambers' Detention Facilities, such as ensuring safety, security, or good order in the Detention Facilities, preventing disorder or crime, protecting health, or protecting the safety, security, rights, or freedoms of others (notably of witnesses and victims), in accordance with Article 4(2) of the Registry Practice Direction on Detainees: Counsel Visits and Communication;
- (ii) all applicable restrictions, including the monitoring regime, relating to visits, telephone conversations, and correspondence at the Specialist Chambers' Detention Facilities;
- (iii) which additional restrictions relating to visits, telephone conversations, and correspondence could be implemented at the Specialist Chambers' Detention Facilities within the available means and resources;

(iv) the possibility of applying any urgent security measures pursuant to Article 8 of the Registry Practice Direction on Detainees: Counsel Visits and Communication;

(v) any other relevant aspects of the security environment at the Specialist Chambers' Detention Facilities that have an impact on visits, telephone conversations, and correspondence; and

(vi) any other matter relevant to the detention regime pertaining to the Accused at the Specialist Chambers' Detention Facilities.

IV. DISPOSITION

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

ORDERS the Registrar to provide the submissions detailed in paragraph 7 of the present Order by no later than Wednesday, 20 October 2021.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Wednesday, 13 October 2021

At The Hague, The Netherlands.