

**In:** KSC-BC-2020-06

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

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Counsel for Kadri Veseli

**Date:** 13 January 2022

**Language:** English

**Classification:** Public

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**Public Redacted Version of  
URGENT  
Third Veseli Defence Request for a Custodial Visit  
on Compassionate Grounds  
(F00636, dated 7 January 2022)**

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**Specialist Prosecutor's Office**

Jack Smith

**Counsel for Kadri Veseli**

Ben Emmerson

## I. INTRODUCTION

1. The Defence for Mr Kadri Veseli (“Defence”) hereby requests that Mr Veseli be afforded an immediate three (3) day custodial visit to Kosovo on compassionate grounds in order to mourn the passing away of his mother.
2. In order to avoid any unnecessary litigation, the Defence requests the Pre-Trial Judge to order, *mutadis mutandis*, the same terms and conditions fixed in paragraph 22 of the Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 8 July 2021 (KSC-BC-2020-06/F00386).

## II. CLASSIFICATION

3. This request is filed confidentially and *ex parte* because the Defence wishes to dispel, in advance, the possible argument that Mr Veseli will exploit the grant of a custodial visit for anything other than private family purposes. Reducing the number of non-essential parties to the present litigation will avoid the content of this application being leaked unnecessarily. Should the Pre-Trial Judge accede to the present request, Mr Veseli will give a strict undertaking not to engage with anyone other than with his immediate family.

## III. PROCEDURAL BACKGROUND

4. On 30 April 2021, Mr Veseli was granted a custodial visit in the context of which he visited his fatally ill father in the hospital and his mother at her home address.<sup>1</sup>
5. On 12 May 2021, the Registry submitted a report wherein it informed, *inter alia*, that i) ‘Mr Veseli abided by the instructions of the chief custody officer and the

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<sup>1</sup> F00271, Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 30 April 2021.

escorting officers'; that ii) [REDACTED]; and that iii) cooperation with external partners was highly effective and ensured a successful operation.<sup>2</sup>

6. On 7 July 2021, Mr Veseli's father passed away.<sup>3</sup> On 8 July 2021, the Pre-Trial Judge granted the Defence's urgent request for temporary release on compassionate grounds.<sup>4</sup>
7. On 16 July 2021, the Registry submitted a report confirming the same findings as in the 12 May 2021 Report.<sup>5</sup>
8. On 7 January 2021, at 10:50 am, Mr Veseli's mother passed away.<sup>6</sup>

#### IV. APPLICABLE LAW

9. Rule 56(3) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules") stipulates that "[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".
10. Rule 56(5) grants the Pre-Trial Judge the power to impose any conditions upon the release as deemed appropriate to ensure the presence of the detained person.
11. Pursuant to Article 53(1) of the law, all entities and persons in Kosovo shall cooperate with the Specialist Chambers and shall comply without undue delay

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<sup>2</sup> F00294, Report of the Registrar pursuant to Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 12 May 2021, paras 13-14.

<sup>3</sup> F00383, Confidential Annex 1: Death Certificate.

<sup>4</sup> F00386, Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 8 July 2021.

<sup>5</sup> F00403, Report of the Registrar pursuant to Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 16 July 2021, paras 16-17.

<sup>6</sup> Annex 1, Death Certificate of Ajshe Veseli.

with any request for assistance or an order or decision issued by the Specialist Chambers.

12. Participation in the mourning rite and supporting the grieving is both a familial and religious obligation and, thus, a constitutionally protected and basic human right.

## V. SUBMISSIONS

13. Mr Veseli's mother was buried today, 7 January 2022, at 14:30 hrs. According to mourning rites, a three-day mourning period will commence tomorrow, 8 January 2022. Considering the anticipated large number of persons wishing to pay respect to Mr Veseli's mother, and with a view to reduce the risk of any contact with persons other than family members, Mr Veseli is willing to postpone the start date of his release by three days so that his own mourning period would begin on Tuesday.
14. The details of his immediate family members were transmitted to the Registry during the previous custodial visits.<sup>7</sup>
15. [REDACTED]<sup>8</sup> [REDACTED].
16. The Defence recalls that during previous custodial visits, Mr Veseli, his defence team and members of his family fully complied with the instructions of the Chief Custody Officer and ensured maximum respect for both the terms and confidentiality of the Pre-Trial Judge's decision.<sup>9</sup>

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<sup>7</sup> F00383, Urgent Request for a Custodial Visit on Compassionate Grounds, 7 July 2021, para. 8.

<sup>8</sup> *Id.*, para. 11.

<sup>9</sup> F00294, Report of the Registrar pursuant to Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 12 May 2021, paras 13-14; F00403, Report of the Registrar pursuant to Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, 16 July 2021, paras 16-17.

17. As indicated above, the Defence requests the Pre-Trial Judge to order, *mutatis mutandis*, the same terms and conditions in paragraph 22, of KSC-BC-2020-06/F00386.

VI. CONCLUSION

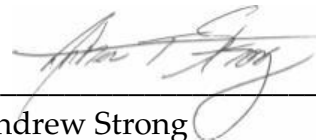
18. In light of all the aforementioned, the Pre-Trial Judge is respectfully requested to order the Registry to facilitate custodial visit to Kosovo in order to allow Mr Veseli to mourn his mother and to share his family's grief under the same terms and conditions fixed in paragraph 22, *mutatis mutandis*, of KSC-BC-2020-06/F00386.

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