



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-BC-2020-06/PL001

Before: A Panel of the Supreme Court Chamber

Judge Ekaterina Trendafilova, Presiding
Judge Christine van den Wyngaert
Judge Michael Bohlander

Registrar: Fidelma Donlon

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Decision on Kadri Veseli's Request for Protection of Legality

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THE PANEL OF THE SUPREME COURT CHAMBER of the Kosovo Specialist Chambers (“Supreme Court Panel” or “Panel”) noting Articles 3(2) and 48(6) and (7) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 58, 59, 82(4), 193 and 194 of the Rules of Procedure and Evidence (“Rules”)¹ is seised of the “Veseli Defence Request for Protection of Legality Against Decision on Appeal Concerning Remanded Detention Review and Periodic Review of Detention (IA014/F00008)” (“Request”).²

I. PROCEDURAL BACKGROUND

1. On 5 November 2020, Mr Kadri Veseli was arrested in Kosovo pursuant to an arrest warrant issued by the Pre-Trial Judge,³ further to the confirmation of an indictment against him.⁴
2. On 22 January 2021, the Pre-Trial Judge rejected Mr Veseli’s application for interim release (“First Detention Decision”).⁵
3. On 30 April 2021, the Court of Appeals Panel denied Mr Veseli’s appeal against

¹ Rules of Procedure and Evidence before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, (adopted on 17 March 2017, revised on 29 May 2017, amended on 29 and 30 April 2020).

² PL001/F00001, Veseli Defence Request for Protection of Legality Against Decision on Appeal Concerning Remanded Detention Review and Periodic Review of Detention (IA014/F00008), 29 June 2022 (confidential). A public redacted version of the Request was filed on 4 July 2022. See PL001/F00001/RED.

³ F00027/A03, Arrest Warrant for Kadri Veseli, 26 October 2020 (strictly confidential and *ex parte*). A public redacted version was filed on 5 November 2020 (F00027/A03/RED); F00050, Notification of Arrest of Kadri Veseli Pursuant to Rule 55(4), 5 November 2020.

⁴ F00026, Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, 26 October 2020 (confidential). A public redacted version was filed on 30 November 2020. See F00026/RED. The operative indictment was filed on 3 September 2021. See F00455/A01, Public Redacted Version of ‘Indictment’, KSC-BC-2020-06/F00455/A01/RED, dated 3 September 2021, 8 September 2021 (strictly confidential and *ex parte* version on 3 September 2021). A confidential lesser redacted version of the corrected indictment was filed on 17 January 2022. See F00647/A01, Confidential Lesser Redacted Version of ‘Indictment’, KSC-BC-2020-06/F00455/A01, dated 3 September 2021, 17 January 2022 (confidential).

⁵ F00178, Decision on Kadri Veseli’s Application for Interim Release, 22 January 2021.

the First Detention Decision (“First Appeal Decision”).⁶

4. On 2 July 2021, the Pre-Trial Judge reviewed Mr Veseli’s detention and ordered his continued detention (“Second Detention Decision”).⁷

5. On 15 July 2021, Mr Veseli filed an appeal against the Second Detention Decision.⁸

6. On 1 October 2021, the Court of Appeals Panel granted, in part, Mr Veseli’s appeal, and remanded the matter to the Pre-Trial Judge for further consideration in accordance with the decision of the Court of Appeals Panel (“Second Appeal Decision”).⁹

7. On 11 October 2021, Mr Veseli filed submissions regarding his periodic detention review,¹⁰ and included therewith information obtained by him from the Kosovo police regarding their ability to enforce interim release conditions.¹¹

8. On 27 October 2021, further to an order by the Pre-Trial Judge, the Kosovo police provided information regarding its ability to enforce certain conditions relevant to provisional release in Kosovo.

9. On 23 November 2021, the Pre-Trial Judge confirmed the Second Detention

⁶ IA001/F00005, Decision on Kadri Veseli’s Appeal Against Decision on Interim Release, 30 April 2021.

⁷ F00380, Decision on Review of Detention of Kadri Veseli, 2 July 2021 (confidential). A public redacted version was filed on the same day. See F00380/RED.

⁸ Appeal of Second Detention Decision, paras 11-12 (ground of appeal iv).

⁹ IA008/F00004, Decision on Kadri Veseli’s Appeal Against Decision on Review of Detention, 1 October 2021 (confidential). A public redacted version was filed on the same day. See F00004/RED.

¹⁰ F00518/COR/RED, Public Redacted Version of Corrected Version of Veseli Defence Submissions on Second Detention Review (KSC-BC-2020-06/F00518 dated 11 October 2021) (F00518/COR dated 14 October 2021), 25 November 2021 (confidential version filed on 11 November 2021, corrected confidential version filed on 14 October 2021).

¹¹ F00518/COR/A01, Annex 1 to Corrected Version of Veseli Defence Submissions on Second Detention Review (KSC-BC-2020-06/F00518 dated 11 October 2021), 14 October 2021 (confidential) (uncorrected version filed on 11 October 2021).

Decision and ordered Mr Veseli's continued detention ("Third Detention Decision").¹²

10. On 3 December 2021, Mr Veseli appealed the Third Detention Decision.¹³

11. On 31 March 2022, the Court of Appeals Panel issued the "Decision on Kadri Veseli's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention" ("Impugned Decision"), denying Mr Veseli's appeal against the Pre-Trial Judge's decision to continue Mr Veseli's detention.¹⁴

12. On 26 May 2022, the Pre-Trial Judge issued another decision pursuant to the periodic detention review as provided for by Article 41(10) of the Law and Rule 57(1) of the Rules, ordering Mr Veseli's continued detention ("Fourth Detention Detention").¹⁵ Mr Veseli did not appeal this decision.

13. On 29 June 2022, Mr Veseli filed the Request against the Impugned Decision.

14. On 30 June 2022, the President assigned a Supreme Court Panel.¹⁶

15. On 18 July 2022,¹⁷ the Specialist Prosecutor's Office ("SPO") filed its response ("Response")¹⁸. Mr Veseli replied on 25 July 2022 ("Reply").¹⁹

¹² F00576, Decision on Remanded Detention Review Decision and Periodic Review of Detention of Kadri Veseli, 23 November 2021 (confidential). A public redacted version of this decision was filed on 8 December 2021. See F00576/RED.

¹³ IA14/F00004, Veseli Defence Appeal Against Decision on Remanded Detention Review Decision and Periodic Review of Detention of Kadri Veseli, 3 December 2021 (confidential). A public redacted version was filed on 6 January 2022. See IA14/F00004/RED.

¹⁴ IA14/F00008, Decision on Kadri Veseli's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention, 31 March 2022 (confidential). A public redacted version of the Impugned Decision was filed on the same day. See IA14/F00008/RED.

¹⁵ F00819, Decision on Periodic Review of Detention of Kadri Veseli, 26 May 2022.

¹⁶ PL001/F00002, Decision Assigning a Supreme Court Panel, 30 June 2022 (confidential). The decision was reclassified as public on 6 July 2022.

¹⁷ PL001/F00005, Decision on Request for an Extension of Time, 6 July 2022, para. 9.

¹⁸ PL001/F00006, Prosecution Response to Veseli Defence Request for Protection of Legality with Public Annex 1, 18 July 2022 (confidential). The Panel granted the SPO an extension of time to file its response. See PL001/F00005, Decision on Request for an Extension of Time, 6 July 2022.

¹⁹ PL001/F00007, Veseli Defence Reply to SPO Response to its Request for Protection of Legality against Decision on Appeal concerning Detention Review (IA014/F00008), 25 July 2022 (confidential).

16. On 26 July 2022, the Pre-Trial Judge issued a further decision pursuant to the periodic detention review, wherein he continued Mr Veseli's detention ("Fifth Detention Decision").²⁰

II. ADMISSIBILITY

17. The Law and the Rules lay down two conditions which must be met before the Panel may consider the merits of a request for protection of legality. According to Article 48(6) of the Law, a request for protection of legality must be submitted to the President within three months of the final judgment or final ruling against which the remedy is sought. Thus, the judgment or ruling must be final and the request must be filed within the prescribed time limit.

18. A decision or judgment is final "when no further ordinary remedies are available or when the parties have exhausted such remedies or have permitted the time-limit to expire without availing themselves of them".²¹ Rule 59 of the Rules further specifies that "the detained person may request protection of legality against final decisions ordering or extending detention on remand under Rule 58". Rule 58 of the Rules regulates interlocutory appeals before the Court of Appeals Panel against decisions "relating to detention on remand". It follows that only final rulings on detention issued by a Court of Appeals Panel are subject to a request for protection of legality.²² The expiry of time-limits without a party filing an appeal before the Court of Appeals Panel cannot be considered valid for admitting a request for protection of legality.

19. The Court of Appeals Panel's Impugned Decision upholding the Third Detention Decision is a final ruling within the meaning of Article 48(6) of the Law and

²⁰ F00897, Decision on Periodic Review of Detention of Kadri Veseli, 26 July 2022.

²¹ See, e.g., European Court of Human Rights, *Zolotukhin v. Russia*, No. 14939/03, [Judgment](#), 10 February 2009, para. 107; *Nikitin v. Russia*, No. 50178/99, [Judgment](#), 20 July 2004, para. 37.

²² See generally, Kosovo Supreme Court, [Pml.Kzz 106/2017](#), Judgment, 24 May 2017, p. 7.

Rules 2, 59 and 193(1) of the Rules, as it can no longer be appealed. The Impugned Decision was issued on 31 March 2022 and the Request filed on 30 June 2022, within the time limit. The Request is therefore admissible.

III. STANDARD OF REVIEW

20. The Panel notes at the outset that Mr Veseli has requested protection of legality in relation to a decision continuing his detention. This request concerns allegations of a substantial violations of the procedures set out in the Law and in the Rules under Article 48(7)(b) of the Law. In setting forth its standard of review, the Panel will thus only focus on substantial violations of the procedures.

21. The “protection of legality” as an extraordinary remedy in Article 48(6) and (7) of the Law and Rules 193 and 194 of the Rules, has its roots in the Kosovo Criminal Procedure Code (“CPC”).²³ The protection of legality is not meant to create another general avenue of appeal. Rather, it is limited to the specific instances defined in the Law and the Rules. As the Kosovo Supreme Court stated:

[t]he request for protection of legality, as one of the extraordinary legal remedies, is the exceptional legal remedy aiming to correct possibly wrong application of the material and procedural law. Strict requirements of the admissibility are designed to ensure that this legal remedy would not be used as a general third instance against all decisions in the criminal proceedings.²⁴

22. When establishing its standard of review, the Panel will be guided by the provisions referred to in the previous paragraph, and, as appropriate, by the CPC, the case law of the Kosovo Supreme Court, as well as the jurisprudence of international criminal courts and tribunals, where relevant.²⁵

²³ Articles 418(3), 432-441 of the CPC; Kosovo Criminal Procedure Code Law, No. 04/L.123, adopted on 13 December 2012 and entered into force 1 January 2013.

²⁴ Kosovo Supreme Court, [PmL-Kzz 42/2017](#), Judgment, 10 May 2017, para. 23.

²⁵ The Panel recognises that the international criminal courts and tribunals do not provide for the protection of legality. However, the Panel considers that it may rely on their jurisprudence insofar as they include relevant concepts from which the Panel may draw in setting forth its standard of review.

23. Article 48(7) of the Law sets forth a high threshold for a violation of the procedures. A procedural violation must be “substantial”, synonyms for which are, for example “‘essential’, ‘important’, ‘fundamental’ or of ‘real significance’”.²⁶ Thus, a “substantial violation” is one which materially affects the judicial finding.

24. Whether an alleged violation constitutes “[...] “a substantial violation of the procedures set out in [the] Law and [...] the Rules [...]” should be assessed on a *case-by-case* basis in view of the circumstances underlying each particular request.²⁷ In this regard, the Panel notes Article 432(1.2) in conjunction with Article 384 of the CPC, which enumerate several examples of procedural violations which may guide the Panel in its determination of the Request. The Supreme Court Panel may find a “substantial violation of the procedures”, if the Court of Appeals Panel, for example, (1) omitted to apply a provision of the Law or the Rules; (2) incorrectly applied the Law and/or the Rules; or (3) violated the rights of the Defence in a manner which has influenced the rendering of a lawful and fair decision.

25. Thus, it is for the party pursuing the remedy for protection of legality to identify and substantiate the alleged violation, and to explain how it materially affected the impugned decision.²⁸ According to Rule 193(3) of the Rules, a request for protection of legality “shall not be filed on the ground of erroneous or incomplete determination of the facts of the case”.²⁹ The Kosovo Supreme Court has held that “[a] mere disagreement with the factual evaluation made by the first and the second instance courts does not amount to the requirements for the request for protection of legality”.³⁰

²⁶ Oxford English Dictionary (OUP, 2021).

²⁷ See in the same vein, Kosovo Supreme Court, [Pml.Kzz 91/2015](#), Judgment, 14 May 2015, paras 4, 10-4.12; [Pml.Kzz 84/2015](#), Judgment, 12 May 2015, pp 2-4; [Pml.Kzz 26/2015](#), Judgment, 18 March 2015, pp 3-7.

²⁸ Cf. Kosovo Supreme Court, [Plm.Kzz 178/2016](#), Judgment, 19 December 2016, paras 67- 68. In the same vein is the practice of international criminal tribunals, IRMCT, *Prosecutor v. Karadžić*, Case No. MICT-13-55-A, [Judgement](#), 20 March 2019, para. 15; *Prosecutor v. Šešelj*, Case No. MICT-16-99-A, [Judgement](#), 11 April 2018, para. 13; ICTY, *Prosecutor v. Stanišić and Župljanin*, Case No. IT-08-91-A, [Judgement](#), 30 June 2016, para. 18. See also *infra*, para. 22.

²⁹ See also Kosovo Supreme Court, [Pml-Kzz 147/2017](#), Judgment, 20 July 2017, p. 9.

³⁰ Kosovo Supreme Court, [Plm.Kzz 178/2016](#), Judgment, 19 December 2016, para. 59.

A party cannot merely “submit the disagreement with the first and the second instance judgment or to repeat the submissions of the previous appeals”.³¹

26. When assessing whether an alleged violation occurred, the Supreme Court Panel shall address those violations of law alleged in the request for protection of legality. The Supreme Court Panel is not required to conduct a *proprio motu* review of the factual findings of the Court of Appeals Panel. The Panel will interfere with the finding of the Court of Appeals Panel if the procedural violation materially affected the impugned decision as explained above.³²

27. If the Supreme Court Panel finds a violation under Article 48(7) of the Law and Rule 193(3) of the Rules, it may pursuant to Rule 194(1) of the Rules either:

- (a) modify the impugned decision or judgment;
- (b) annul in whole or in part the impugned decision or judgment and return the case for a new decision or retrial to the competent Panel; or
- (c) confine itself only to establishing the existence of a violation of law.

28. The Panel now turns to the grounds set forth in the Request.

IV. DISCUSSION

A. ALLEGED VIOLATION OF ARTICLE 5(4) OF THE ECHR BY FAILING TO ISSUE A TIMELY DECISION (GROUND 1)

1. Submissions

29. Mr Veseli submits that, by issuing a decision on his continued detention nearly four months after his appeal, the Court of Appeals Panel violated his right to a speedy decision on the lawfulness of his continued detention, as provided for in Article 5(4) of the European Convention on Human Rights (“ECHR”).³³ According to Mr Veseli, the European Court of Human Rights (“ECtHR”) has consistently held that the

³¹ Kosovo Supreme Court, [Plm.Kzz 178/2016](#), Judgment, 19 December 2016, para. 68.

³² See Kosovo Supreme Court, [Plm.Kzz 178/2016](#), Judgment, 19 December 2016, para. 68.

³³ Request, paras 12-13, 17.

speediness of the decision is calculated from the time the application for release was made and is determined based on the individual circumstances of the case.³⁴ Mr Veseli contends that the factors identified by the ECtHR when determining whether a decision has been speedily issued,³⁵ namely the complexity of the case, the conduct of the authorities and the accused, and the interest at stake, demonstrate that the Impugned Decision was unjustifiably delayed.³⁶

30. The SPO contends that Mr Veseli misrepresents the ECtHR's case law, which provides that longer periods for the issuance of detention decisions may be tolerated in appellate proceedings and will depend on the specific circumstances of the case.³⁷ The SPO further asserts that the ongoing detention review provided for in the Law is a relevant factor to be taken into account when assessing any delay, a right which Mr Veseli waived while he awaited the Impugned Decision.³⁸ The SPO submits that the Court of Appeals Panel was faced with a particularly complex review, which justified the time taken to issue the Impugned Decision.³⁹ Finally, the SPO contends that Mr Veseli suffered no harm, as the Court of Appeals Panel denied his appeal in its entirety and the Pre-Trial Judge subsequently extended his detention.⁴⁰

31. Veseli replies that the SPO misconstrues the ECtHR case law to suggest that there are exceptions to the "three-to-four-week limit" for the issuance of speedy decisions on detention and submits that the Impugned Decision was not complex when compared to other, similar decisions issued.⁴¹ Finally, Mr Veseli contends that, contrary to the SPO's submissions, the ECtHR case law does not require him to

³⁴ Request, paras 15-16.

³⁵ Request, para. 16.

³⁶ Request, paras 18-20. See also Reply, paras 5, 8.

³⁷ Response, paras 17-18, 20-21.

³⁸ Response, para. 19.

³⁹ Response, para. 20.

⁴⁰ Response, para. 22.

⁴¹ Reply, paras 4, 7. See also Reply, para. 6.

demonstrate that he was harmed by the delay in the issuance of the decision.⁴²

2. The Panel's assessment

a. Admissibility of Ground 1

32. The Panel notes at the outset that Mr Veseli does not claim a substantial violation of Article 41(2) of the Law, which provides the accused with the right to challenge the conditions of detention and to have such a challenge decided on speedily. Instead, Mr Veseli relies on Article 48(8) of the Law to substantiate his claim that there has been a violation of Article 5(4) of the ECHR.⁴³

33. The Panel recalls that a party requesting protection of legality must allege a substantial violation of the procedures set out in this Law and the Rules in accordance with Article 48(7)(b) of the Law. In other words, a party cannot, in the context of a request for protection of legality, refer only to a violation of the ECHR or the Constitution, unless such rights afforded therein are directly contained within the Law and/or the Rules. The Panel could, therefore, dismiss this ground of the Request as inadmissible.

34. However, the Panel notes that Article 41(2) of the Law mirrors the language set forth in Article 5(4) of the ECHR and accordingly the Request addresses a right available under the Law. Thus, the Panel will, exceptionally, consider the merits of Ground 1 in light of Article 41(2) of the Law. As set forth in Article 3(2)(d) of the Law, the Panel shall adjudicate this Ground in accordance with the ECHR and it will be guided by ECtHR jurisprudence as it relates to Article 5(4) of ECHR.

b. The merits

35. The requirement to render a speedy decision on review of detention applies

⁴² Reply, para. 9.

⁴³ Request, paras 12-21.

both at the first instance, namely the Pre-Trial Judge or the Trial Panel seised of the case, and at the Court of Appeals Panel as the second instance.⁴⁴ The ECtHR has found that “[w]here the original detention order was imposed by a court (that is, by an independent and impartial judicial body) in a procedure offering appropriate guarantees of due process, and where [a system of appeal is provided], the [ECtHR] is prepared to tolerate longer periods of review in proceedings before a second-instance court”.⁴⁵

36. The time taken to issue a decision on review of detention will vary depending on the individual circumstances of the case.⁴⁶ The ECtHR found that the term “‘speedily’ cannot be defined in the abstract” and that “it must be determined in light of the circumstances of the individual case”.⁴⁷ To this end, the ECtHR explained that an assessment of the time taken to render a decision on detention should take into consideration an overall assessment of the proceedings at all judicial levels,⁴⁸ and may take into account factors such as the complexity of the proceedings, their conduct by the authorities and the applicant and what was at stake for the latter.⁴⁹ For example, the ECtHR in the *Ilmseher* case, upon which Mr Veseli relies,⁵⁰ found that the eight months and 23 days it took for the German Federal Constitutional Court to issue a decision on a detention-related matter did not violate Article 5(4) of the ECHR, given the particular complexities associated with that case and the nature of that court.⁵¹

37. Turning to the specific circumstances of the present case, the Panel first notes

⁴⁴ See ECtHR, *Ilmseher v. Germany* [GC], Nos 10211/12 and 27505/15, [Judgment](#), 4 December 2018 (“*Ilmseher* case”), para. 254 (and citations therein).

⁴⁵ ECtHR, [Ilmseher case](#), para. 255; *Abdulkhakov v. Russia*, No. 14743/11, [Judgment](#), 2 October 2012, para. 198; *Khudyakova v. Russia*, No. 13476/04, [Judgment](#), 8 January 2009, para. 93; *Lebedev v. Russia*, No. 4493/04, [Judgment](#), 25 October 2007, para. 96.

⁴⁶ See ECtHR, [Ilmseher case](#), para. 255; *Fešar v. the Czech Republic*, No. 76576/01, [Judgment](#), 13 November 2008, para. 68; *Stephens v. Malta* (no. 2), No. 33740/06, [Judgment](#), 21 April 2009, para. 84.

⁴⁷ ECtHR, *R.M.D. v. Switzerland*, No. 81/1996/700/892, [Judgment](#), 26 September 1997, para. 42.

⁴⁸ ECtHR, [Ilmseher case](#), para. 255.

⁴⁹ ECtHR, [Ilmseher case](#), para. 255.

⁵⁰ See Request, paras 14-18.

⁵¹ ECtHR, [Ilmseher case](#), paras 257, 262-263, 265.

that the Request is directed at a second instance review, namely against the Court of Appeals Panel's Impugned Decision. The Panel observes that the detention proceedings in Mr Veseli's case leading up to the Impugned Decision were more complex than the detention reviews that preceded it. The particular legal and factual complexity of this appeal was recognised by Mr Veseli, who argued before the Court of Appeals Panel that the complexity and novelty of the issues presented by the Third Detention Decision justified granting him an extension of the word limit to file his appeal against this decision.⁵²

38. The Panel notes that the Court of Appeals Panel undertook a thorough review of the Pre-Trial Judge's decision and remanded the matter to assess whether the Kosovo police could effectively enforce the conditions of detention proposed by Mr Veseli or any further conditions identified by the Pre-Trial Judge as necessary to mitigate the identified risks that accompany house arrest.⁵³ The Court of Appeals Panel thereafter had to examine the Pre-Trial Judge's decision in light of information obtained from the Kosovo police,⁵⁴ the parties' submissions in relation thereto, as well as the complex legal and factual grounds of appeal advanced by Mr Veseli in his Appeal.⁵⁵ The Court of Appeals Panel provided extensive and detailed reasoning in the Impugned Decision and referred at length to the underlying proceedings and information taken into consideration therein.⁵⁶

39. The Panel observes that the ECtHR in the *Ilmseher* case took into consideration

⁵² KSC-BC-2020-06/IA014/F00001, Veseli Defence Request for Word Limit Variation, 2 December 2021, paras 5-6 ("The [Third Detention Decision] – comprising a total of 46 pages – deals with complex legal issues of paramount importance which the Defence needs to address in a comprehensive manner. The Defence appeal shall address not only the numerous issues arising from the [Third Detention Decision] but a swarm of submissions from the parties and the Kosovo Police underpinning the Decision"). See also paragraphs 7 and 8 of Mr Veseli's request.

⁵³ Second Appeal Decision, paras 52, 54.

⁵⁴ See F00548/eng, Kosovo General Police Directorate, Answer to the Request Number KSC-BC-2020-06, 27 October 2021 (confidential). The English translation of this submission was filed on 3 November 2021.

⁵⁵ See generally the Appeal.

⁵⁶ See Impugned Decision, paras 20-26, 34-44, 49-52, 56-57, 61-66.

the overall conduct of the proceedings, including the issuance of reasoned interim decisions on the applicant's detention, as well as the ability of the applicant in that case to have his detention reviewed by the lower court while the proceedings at issue were pending before the higher court.⁵⁷ The ECtHR took these factors into consideration when concluding that a longer period of time for the issuance of a decision on detention could be tolerated in the circumstances of that case.⁵⁸

40. The Panel notes in this respect that the legal framework of the Specialist Chambers provides for a periodic review of detention.⁵⁹ Indeed, Mr Veseli has had his detention reviewed on a regular basis.⁶⁰ The most recent decision on his detention was issued by the Pre Trial Judge on 26 July 2022 in the course of the present review of the Request *sub judice*.⁶¹ The Panel also notes that Mr Veseli has voluntarily chosen to waive his right to detention review while his appeal before the Court of Appeals Panel was pending. The Panel is satisfied that there is a robust system in place at the Specialist Chambers and that the further detention decision issued by the Pre-Trial Judge offered appropriate guarantees of due process.⁶² The Panel considers that the regular review of Mr Veseli's detention and the reasoned decisions issued in this respect are factors to be taken into account in the Panel's overall assessment of the speediness of the Impugned Decision.

41. The Panel also notes the ECtHR's view that the complexities of a particular case, while they do not absolve the authorities from their essential obligations pursuant to Article 5(4) of the ECHR, can be a factor when assessing speediness.⁶³ The Panel observes in this respect that Mr Veseli is charged with four counts of war crimes and

⁵⁷ See ECtHR, [Ilmseher case](#), paras 269, 275.

⁵⁸ ECtHR, [Ilmseher case](#), para. 275.

⁵⁹ See Article 41(2)(10) of the Law; Rule 57 of the Rules.

⁶⁰ See Fourth Detention Decision and Fifth Detention Decision.

⁶¹ F00897, Decision on Periodic Review of Detention of Kadri Veseli, 26 July 2022.

⁶² Cf. ECtHR, *Mehmet Hasan Altan v. Turkey*, No. 13237/17, [Judgment](#), 20 March 2018, para. 165; [Ilmseher case](#), paras 271, 274; *Molotchko v. Ukraine*, No. 12275/10, [Judgment](#), 26 April 2012, para. 148; *Letellier v. France*, No. 12369/86, [Judgment](#), 26 June 1991, para. 56.

⁶³ See ECtHR, [Ilmseher case](#), para. 253.

six counts of crimes against humanity at a court that has been relocated to the Netherlands in view of the sensitivities of the proceedings, including the hearing of witnesses, and the particular nature of the allegations.⁶⁴ It is within this context that the Pre-Trial Judge and the Court of Appeals Panel have considered in detail sensitive and complicated questions involving potential witness intimidation in Kosovo when assessing Mr Veseli's detention and the complexities associated with his potential release from the Detention Facilities in The Hague to Kosovo.⁶⁵ The Panel finds these factors important and relevant when considering the time taken by the Court of Appeals Panel to render the Impugned Decision.

42. The Panel observes that the nearly four months taken by the Court of Appeals Panel to issue the Impugned Decision, on its face, may not be considered speedy within the meaning of Article 41(2) of the Law. However, having carefully assessed all the factors set forth above, the Panel considers the time taken by the Court of Appeals Panel to issue the Impugned Decision to have been justified in the specific circumstances of this case and does not find that there has been a violation of Article 41(2) of the Law. It follows that Mr Veseli failed to identify the existence of a substantial violation of the procedures set out in the Law and in the Rules within the meaning of Article 48(7)(b) of the Law.

B. ALLEGED VIOLATION OF ARTICLES 5(3) AND (4) OF THE ECHR BY FAILING TO ADDRESS SUBMISSIONS AND UPHOLDING THE RIGHT TO ADVERSARIAL PROCEEDINGS (GROUNDS 2 AND 3)

1. Submissions

43. Mr Veseli contends that the Court of Appeals Panel violated his right to adversarial proceedings pursuant to Article 5(4) of the ECHR by relying on allegations

⁶⁴ See Law on Ratification of the International Agreement Between the Republic of Kosovo and the European Union of the European Union Rule of Law Mission in Kosovo, No. 04/L-274, 23 April 2014.

⁶⁵ See, e.g., Third Detention Decision, paras 43-61; Impugned Decision, paras 21-67.

set forth in an *ex parte* proceeding to substantiate his continued detention.⁶⁶ Specifically, Mr Veseli asserts that the Court of Appeals Panel erroneously rejected his arguments that the Pre-Trial Judge should not have relied on *ex parte* allegations raised by the SPO in relation to Mr Veseli's warrant for arrest and upon which the Pre-Trial Judge subsequently relied as a factor in deciding to continue his detention.⁶⁷

44. Mr Veseli further submits that the Court of Appeals Panel's reasoning in the Impugned Decision was inadequate, as it failed to address "the core" of his arguments⁶⁸ and provided insufficient reasoning.⁶⁹ Mr Veseli also disagrees with the Court of Appeals Panel's assessment of the evidence and factual circumstances upon which the Pre-Trial Judge relied to order his continued detention.⁷⁰

45. The SPO responds, *inter alia*, that, contrary to Mr Veseli's contentions in Ground 2, it did raise the allegations in its submissions during a detention review that took place in November 2021, but Mr Veseli chose not to challenge this allegation until the third review on detention.⁷¹ The SPO further asserts that Mr Veseli's arguments in Grounds 2 and 3 were considered by the Court of Appeals Panel and that, in any event, challenges to factual assessments cannot be raised as part of a request for the protection of legality.⁷² The SPO therefore contends that these arguments should be dismissed.⁷³

46. Mr Veseli replies, *inter alia*, that his challenges set forth in Ground 2 are timely, as they are, strictly speaking, directed at the Impugned Decision, rather than the Third Detention Decision.⁷⁴

⁶⁶ Request, paras 22, 25. See also Request, paras 23, 26, 28.

⁶⁷ Request, para. 24. See also Reply, paras 10-11.

⁶⁸ Request, paras 25-27, 37, 60-61, 63.

⁶⁹ Request, paras 36, 62. See also Reply, paras 12-13, 15, 17-18.

⁷⁰ Request, paras 28-35, 38, 58.

⁷¹ Response, para. 25. See also Response, paras 23-29.

⁷² Response, paras 30-33, 35-37.

⁷³ Response, para. 34.

⁷⁴ Reply, para. 14.

2. The Panel's assessment

a. Admissibility of Grounds 2 and 3

47. The Panel notes that Mr Veseli does not point to a substantial violation of a specific procedure in the Law or the Rules, except for generically referring to the right to adversarial proceedings guaranteed in Article 5(3) and (4) of the ECHR.⁷⁵ As mentioned above,⁷⁶ the Panel will exceptionally address this ground of the Request given that this is the first time a request for the protection of legality has been filed and it concerns the detention of an accused.

48. The Panel further recalls that when ruling on a request for protection of legality, it does not act as a second instance of review addressing factual findings of a Court of Appeals Panel. Rather, a request for the protection of legality is an extraordinary remedy limited to alleged legal violations.⁷⁷ Mere disagreement with factual assessments or challenges as to the completeness of a panel's assessment cannot form the basis for a request for protection of legality.⁷⁸

49. The Panel notes in this respect that the submissions made by Mr Veseli in Grounds 2 and 3 are entirely factual in nature and were equally raised before the Pre-Trial Judge and the Court of Appeals Panel.⁷⁹ While Mr Veseli may not agree with

⁷⁵ Request, paras 24-28, referring to ECtHR, *Reinprecht v. Austria*, No. 67175/01, [Judgment](#), 15 November 2005, para. 31.

⁷⁶ See *supra*, paras 33-34.

⁷⁷ See *supra*, para. 21. See also Kosovo Supreme Court, [Pml.Kzz 42/2017](#), 10 May 2017, para. 23; [Pml.Kzz 72/2015](#), Judgment, 13 October 2015, para. 3.2.

⁷⁸ See Rule 193(3) of the Rules. See also Kosovo Supreme Court, [Pml.Kzz 236/2016](#), Judgment, 11 January 2017, para. 8 (pp 9-10); [Pml.Kzz 322/2016](#), Judgment, 19 July 2017, paras 126, 175; [Pml.Kzz 241/2015](#), 19 April 2016, para. 38; [Pml.Kzz 72/2015](#), Judgment, 13 October 2015, para. 3.2.

⁷⁹ **Ground 2:** KSC-BC-2020-06/F00151, Application for Interim Release of Kadri Veseli, 17 December 2020, paras 25-27 ("Application for Interim Release"); KSC-BC-2020-06/F00174, Defence Reply to the SPO's response to the Provisional Release Application of Kadri Veseli, 13 January 2021 ("Defence Reply to SPO Response to Provisional Release Application"), paras 39-43; KSC-BC-2020-06, IA014/F00004, Veseli Defence Appeal Against Decision on Remanded Detention Review Decision and Periodic Review of Detention of Kadri Veseli, 3 December 2021 (confidential) ("Appeal Remanded Detention Decision"), paras 8-9, 12; KSC-BC-2020-06/IA014/F00007, Veseli Defence Reply to Prosecution Response to Veseli Defence Appeal Against Decision on Remanded Detention Review Decision and Periodic

the outcome of their assessments or the degree to which they addressed his arguments, the Panel considers that both the Pre-Trial Judge and the Court of Appeals Panel gave careful consideration to Mr Veseli's submissions and set forth their assessments thereon with sufficient detail.⁸⁰

50. For example, Mr Veseli submits in Ground 2 that his right to adversarial proceedings was violated when the Court of Appeals Panel relied on allegations in an *ex parte* proceeding.⁸¹ Similarly, Mr Veseli in Ground 3 challenges the Court of Appeals Panel's understanding of his arguments, which, he contends, goes to the weight to be attributed to one of the factors taken into account when assessing whether risk of interference still exists.⁸² The Panel notes in this respect that both the Pre-Trial Judge and the Court of Appeals Panel considered a variety of factors when deciding on Mr Veseli's continued detention, of which these factors are but one aspect.⁸³ The core of these arguments is, in effect, a disagreement with the Pre-Trial Judge and the Court of Appeals Panel's discretionary assessment of the facts.

51. Accordingly, the Panel finds Grounds 2 and 3 inadmissible and hereby dismisses them in their entirety.

Review of Detention of Kadri Veseli, 21 December 2021, confidential ("Reply to Prosecution Response to Veseli Defence Appeal"), paras 2-3. **Ground 3:** Application for Interim Release, paras 28-35, 36-42; Defence Reply to SPO response to Provisional Release Application, paras 29-34; KSC-BC-2020-06/IA001/F00001, Defence Request to Appeal the "Decision on Kadri Veseli's Application for Interim Release", 1 February 2021, paras 16-18; KSC-BC-2020-06/IA008/F00001, Veseli Defence Appeal of Decision KSC-BC-2020-06-F00380 (First Detention Review), 15 July 2021 (confidential), para. 7; Appeal Remanded Detention Decision, paras 10-12, 21; Reply to Prosecution Response to Veseli Defence Appeal, para. 4.

⁸⁰ See **Ground 2:** Third Detention Decision, paras 52-53; Impugned Decision, paras 17-24; **Ground 3:** First Detention Decision, para. 44; First Appeal Decision, paras 36-40; Second Appeal Decision, para. 34; Impugned Decision, paras 25, 39. See also Kosovo Supreme Court, [Pml.Kzz 236/2016](#), Judgment, 11 January 2017, para. 10 (p. 10); [PML-241/2015](#), 19 April 2016, para. 39; [Pml.Kzz 7/2015](#), Judgment, 23 January 2015, paras 3.3-3.4; [Pml.Kzz 72/2015](#), Judgment, 13 October 2015, para. 3.2; [Pml.Kzz 91/2015](#), Judgment, 14 May 2015, para. 4.2.

⁸¹ See Request, paras 22-35.

⁸² Request, paras 36-38.

⁸³ Third Detention Decision, paras 30-41; Impugned Decision, paras 21, 27.

C. ALLEGED VIOLATION OF ARTICLE 41(12) OF THE LAW AND 5(3) OF THE ECHR
REGARDING ASSESSMENT OF CONDITIONS OF RELEASE (GROUND 4)

1. Submissions

52. Mr Veseli submits that the Pre-Trial Judge and the Court of Appeals Panel violated Article 41(12) of the Law and Article 5(3) of the ECHR by imposing unreasonable and disproportionate conditions of detention relevant to the identified risk.⁸⁴ Mr Veseli contends that the Court of Appeals Panel first remanded the issue to determine the enforceability of measures to be undertaken by the Kosovo police and thereafter upheld the Third Detention Decision, which found that these same measures were insufficient to mitigate the risk of witness interference, should Mr Veseli be provisionally released under certain conditions.⁸⁵ Mr Veseli asserts that the Pre-Trial Judge's contradictory finding that "no additional measures ordered *proprio motu* could sufficiently mitigate the existing risk", notwithstanding the enforceability of the measures by the Kosovo police, is sufficient to invalidate the Impugned Decision.⁸⁶

53. Mr Veseli further contends that the Pre-Trial Judge and the Court of Appeals Panel erred in law by considering the measures proposed by the Kosovo police in the context of a house arrest for Mr Veseli to be "fixed" and incapable of amendment by the Specialist Chambers.⁸⁷

54. The SPO responds that Mr Veseli's arguments are factual in nature and challenge discretionary conclusions, without substantiating a violation of the Law or Rules.⁸⁸ According to the SPO, the Court of Appeals Panel correctly applied its standard of review and Mr Veseli merely disagrees with the conclusions it reached.⁸⁹

⁸⁴ Request, paras 39-54. See also Reply, paras 21-22.

⁸⁵ Request, paras 40-43.

⁸⁶ Request, para. 44. See also Request, para. 54.

⁸⁷ Request, paras 45-47.

⁸⁸ Response, para. 38.

⁸⁹ Response, paras 39-43.

The SPO further contends that Mr Veseli's allegations concerning the additional measures that could have been ordered concerns decisions issued more than 90 days ago and are therefore inadmissible.⁹⁰ Finally, the SPO submits that Mr Veseli misrepresents the circumstances of the matter at hand and merely disagrees with the Pre-Trial Judge's finding, thereafter upheld by the Court of Appeals Panel, that the risks posed by Mr Veseli's release cannot be sufficiently mitigated under conditions of home arrest in Kosovo.⁹¹ The SPO therefore contends that Ground 4 should be dismissed.⁹²

55. Mr Veseli replies, *inter alia*, that his arguments are timely, as they are directed at the Impugned Decision, which must be considered in light of the Third Detention Decision.⁹³

2. The Panel's Assessment

a. Admissibility of Ground 4

56. As set forth above, the Panel cannot undertake an assessment of factual determinations made by either the Pre-Trial Judge or the Court of Appeals Panel in relation to the disproportionality or reasonableness of proposed measures to mitigate the risk of witness interference.⁹⁴ The Panel notes that the Pre-Trial Judge and the Court of Appeals Panel extensively considered Mr Veseli's arguments in this respect.⁹⁵ Accordingly, Mr Veseli's arguments challenging the factual determinations of the Pre-Trial Judge and the Court of Appeals Panel regarding the reasonableness or proportionality of the proposed measures to be imposed as part of any house arrest

⁹⁰ Response, para. 44.

⁹¹ Response, paras 47-50.

⁹² Response, para. 51.

⁹³ Reply, para. 20.

⁹⁴ See Rule 193(3) of the Rules. Cf. Kosovo Supreme Court, [Pml.Kzz 236/2016](#), Judgment, 11 January 2017, paras 8 (pp 9-10), 18 (p. 12); [Pml.Kzz 246/2014](#), Judgment, 15 December 2014, para. 3.3.

⁹⁵ Impugned Decision, paras 35-38, 40-41, 43-44.

are hereby rejected.⁹⁶

57. Turning to Mr Veseli's arguments about the Pre-Trial Judge's authority to order the Kosovo police to enforce any measures he deems necessary,⁹⁷ the Panel observes that Mr Veseli does not identify any procedure in the Law or the Rules which have been substantially violated. Instead, Mr Veseli disagrees with the manner in which the Pre-Trial Judge exercised his discretion in relation to this matter. Mr Veseli's arguments should, in principle, be dismissed. However, consistent with the approach adopted above,⁹⁸ the Panel will, in the present circumstances, exceptionally address this ground on its merits.

b. The merits

58. Article 41(12) of the Law includes a list of measures that may be ordered by the Specialist Chambers in addition to detention on remand to ensure the presence of the accused during proceedings, including house detention in Kosovo, if the accused consents to attend proceedings by video teleconference. The Panel notes that Article 41(12) of the Law vests the Pre-Trial Judge with the discretion to impose any such conditions as he deems necessary in relation to a potential house arrest.

59. The Panel observes that the Court of Appeals Panel in its Second Appeal Decision, remanded the matter back to the Pre-Trial Judge to assess whether the Kosovo police could enforce additional conditions.⁹⁹ The Court of Appeals Panel went on to explain that the further information obtained from the Kosovo police would give the Pre-Trial Judge "a more complete and solid factual basis to assess the feasibility of such conditions, without of course anticipating the outcome of the final determination on these matters".¹⁰⁰ In other words, the Court of Appeals Panel did not contradict

⁹⁶ See Request, paras 48-54.

⁹⁷ Request, paras 45-47.

⁹⁸ See *supra*, paras 33-34.

⁹⁹ Second Appeal Decision, para. 52.

¹⁰⁰ Second Appeal Decision, para. 52.

itself, as Mr Veseli suggests,¹⁰¹ when it concluded in the Impugned Decision that the Pre-Trial Judge's conclusions reached by him in light of this information were reasonable.¹⁰²

60. The Panel notes in this respect that the Court of Appeals Panel recalled the standard of review applicable to it and proceeded to assess in detail the arguments raised by Mr Veseli in accordance therewith.¹⁰³ Consistent with its standard of review, as well as Article 41(12) of the Law, the Court of Appeals Panel concluded that the Pre-Trial Judge did not err in its determination as to the enforceability of the proposed conditions. The Panel therefore does not consider that the Court of Appeals Panel violated procedures set forth in the Law or the Rules and thus dismisses the remainder of the arguments in Ground 4.

D. ALLEGED VIOLATION BY THE COURT OF APPEALS PANEL IN ITS ASSESSMENT OF *PROPRIO MOTU* ADDITIONAL MEASURES (GROUND 5)

1. Submissions

61. Mr Veseli submits that the Court of Appeals Panel, without any legal basis, limited the scope of the Pre-Trial Judge's *proprio motu* authority to propose additional measures.¹⁰⁴ Mr Veseli also contends that the Court of Appeals Panel "erred" in relying on the nature of the Kosovo police's response in deciding not to order additional *proprio motu* measures with respect to a potential house arrest.¹⁰⁵

62. The SPO responds that the Pre-Trial Judge's *proprio motu* authority to consider additional conditions of release is confined to those conditions that are "reasonable".¹⁰⁶ The SPO submits that, contrary to Mr Veseli's arguments, it is

¹⁰¹ Request, para. 39.

¹⁰² Impugned Decision, para. 57.

¹⁰³ Impugned Decision, paras 16, 34-44.

¹⁰⁴ Request, paras 56-57; Reply, para. 23.

¹⁰⁵ Request, paras 58-59; Reply, para. 24.

¹⁰⁶ Response, para. 53. See also Response, para. 52.

“common sense” for the Pre-Trial Judge to rely on the parties’ submissions when considering *proprio motu* all reasonable measures and is consistent with the Court of Appeals Panel’s statements in this respect.¹⁰⁷ The SPO therefore contends that Ground 5 should be dismissed.¹⁰⁸

2. The Panel’s assessment

a. Admissibility of Ground 5

63. The Panel notes at the outset that Mr Veseli does not point to a substantial violation of a specific procedure in the Law or the Rules.¹⁰⁹ Instead, Mr Veseli refers to a finding by the Court of Appeals Panel, which, Mr Veseli generally contends, stems from “Constitutional and ECtHR obligations relating to the presumption of liberty and the use of detention only in exceptional circumstances and as a last resort”.¹¹⁰ Mr Veseli thereafter asserts that the Court of Appeals Panel violated its own determination, by finding that the Pre-Trial Judge failed to consider additional measures *proprio motu*.

64. The Panel considers that Mr Veseli fails to identify the specific procedures set forth in the Law or the Rules or explain how the Court of Appeals Panel’s determination constitutes a substantial violation thereof.¹¹¹ Moreover, the Court of Appeals Panel considered Mr Veseli’s arguments in relation to the scope of the Pre-Trial Judge’s *proprio motu* determination of additional measures that could be imposed as part of a potential house arrest and rejected them.¹¹² Mr Veseli’s disagreement with the Court of Appeals Panel’s finding as to the manner in which the Pre-Trial Judge may *proprio motu* decide on additional measures does not constitute a substantial violation of the procedures within the meaning of Article 48(7)(b) of the Law.

¹⁰⁷ Response, para. 55. See also Response, paras 56-58.

¹⁰⁸ Response, para. 59.

¹⁰⁹ Request, paras 55-59.

¹¹⁰ Request, para. 56.

¹¹¹ Cf. Kosovo Supreme Court, [Pml.Kzz 159/2016](#), Judgment, 5 October 2016, para. 20.

¹¹² Impugned Decision, para. 57.

Accordingly, the Panel dismisses as inadmissible Mr Veseli's arguments set forth in Ground 5.

E. ALLEGED VIOLATION OF RULE 56(2) OF THE RULES BY THE COURT OF APPEALS PANEL REGARDING THE PROPORTIONALITY OF DETENTION (GROUND 6)

1. Submissions

65. Mr Veseli contends that the Court of Appeals Panel erred by simply referring to the factors taken into account by the Pre-Trial Judge in finding that Mr Veseli should remain in detention, rather than engaging with Mr Veseli's legal arguments on the reasonableness of his continued detention.¹¹³ Specifically, Mr Veseli asserts that the Court of Appeals Panel did not address his arguments that ECtHR jurisprudence requires that with the passage of time, further reasons are required to justify continued detention, the weight placed on the charges by the Pre-Trial Judge and the *pro forma* arguments related to the complexity of the case.¹¹⁴ Mr Veseli further submits that the Court of Appeals Panel failed to adequately consider his submissions concerning the Pre-Trial Judge's incorrect interpretation of Rule 56(2) of the Rules, which, Mr Veseli asserts, amounts to a violation of Article 48(7)(b) of the Law.¹¹⁵

66. The SPO submits that Mr Veseli does not demonstrate how the Court of Appeals Panel failed to properly consider his arguments and Mr Veseli's "mere disagreements" with the Court of Appeals Panel's findings cannot be considered an "error of law or a rights violation".¹¹⁶

¹¹³ Request, paras 60-61. See also Request, paras 62-64.

¹¹⁴ Request, paras 60-61.

¹¹⁵ Request, paras 62-64. See also Reply, para. 26.

¹¹⁶ Response, para. 60. See also Response, paras 61-66.

2. The Panel's Assessment

a. Admissibility of Ground 6

67. Mr Veseli asserts that his arguments should be considered a substantial violation of the procedures set out in the Law and in the Rules, as set forth in Article 48(7)(b) of the Law. The Panel, however, notes that Mr Veseli does not point to a substantial violation of a specific procedure in the Law or the Rules. As mentioned above,¹¹⁷ the Panel will exceptionally address this ground of the Request, as long as Mr Veseli's submissions may be understood as challenges alleging violations of procedures set forth in the Law or the Rules. The Panel further recalls, however, that a request for the protection of legality will not be entertained if it is premised on the mere disagreement with the factual assessment carried out by other panels.¹¹⁸

68. The Panel notes that the Court of Appeals Panel specifically engaged with Mr Veseli's arguments related to the ECtHR jurisprudence on the passage of time in assessing whether the detention continued to be reasonable, as well as his arguments related to the Pre-Trial Judge's interpretation of Rule 56(2) of the Rules.¹¹⁹ The Court of Appeals Panel observed in this respect that the Pre-Trial Judge's consideration of "good cause" when reviewing Mr Veseli's detention was but one of the factors taken into account in the Pre-Trial Judge's overall assessment.¹²⁰ Finally, irrespective of the above, the Court of Appeals Panel is not obliged "to give a detailed answer to every argument", as long as the essential issues raised have been addressed.¹²¹

69. The Panel therefore finds that the Court of Appeals Panel adhered to the procedures set out in the Law and the Rules and that Mr Veseli's arguments are aimed

¹¹⁷ See *supra*, paras 33-34.

¹¹⁸ See Rule 193(3) of the Rules. See also Kosovo Supreme Court, [Pml.Kzz 42/2017](#), 10 May 2017, para. 23.

¹¹⁹ Impugned Decision, paras 63-66.

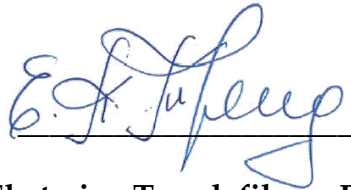
¹²⁰ Impugned Decision, para. 66.

¹²¹ Kosovo Supreme Court, [Pml-Kzz 147/2017](#), Judgment, 20 July 2017, p. 13. See also, ECtHR, *van de Hurk v. The Netherlands*, No. 16034/90, [Judgment](#), 19 April 1994, para. 61.

at factual conclusions reached by the Pre-Trial Judge and the Court of Appeals Panel after their assessment of the relevant factors. Accordingly, the Panel hereby dismisses Ground 6 as inadmissible.

V. DISPOSITION

70. For these reasons, the Supreme Court Panel hereby **DISMISSES** the Request in its entirety.

A handwritten signature in blue ink, appearing to read 'E. Trendafilova', is written over a horizontal line.

Judge Ekaterina Trendafilova, Presiding

Dated this Monday, 15 August 2022

At The Hague, the Netherlands