



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:** Trial Panel II  
Judge Charles L. Smith, III, Presiding Judge  
Judge Christoph Barthe  
Judge Guénaël Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Acting Specialist Prosecutor

**Date:** 1 June 2023

**Language:** English

**Classification:** Public

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**Public Redacted Version of 'Prosecution response to urgent Thaçi request for temporary release', KSC-BC-2020-06/F01550, dated 24 May 2023**

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**Counsel for Kadri Veseli**

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Venkateswari Alagendra

1. The Specialist Prosecutor's Office ('SPO') hereby responds to the Urgent Request.<sup>1</sup> Subject to the conditions outlined below, the SPO does not oppose a strictly supervised, fully custodial, return visit of one day (meaning traveling to and from Kosovo on the same day).
2. Temporary release under Rule 56(3) and (5) of the Rules<sup>2</sup> must be weighed against factors including the gravity of the offenses of which the Accused is charged and the risks previously identified by the Panel.<sup>3</sup> In this instance, the Panel has recently affirmed that the risks presented by Mr. Thaçi ('Accused') are such as can only be effectively managed through the fully controlled environment that detention can provide, including in particular the communication monitoring framework at the Specialist Chambers ('KSC').<sup>4</sup> Any modification of that framework, however temporary and exceptional, presents a heightened risk. This is particularly so given that the trial is now ongoing and witnesses have been notified to the Accused and have commenced testifying. At this stage of proceedings, the risk of interference, as well as the incentive and capacity of the Accused for doing so, is significantly increased. Any exception to the current detention regime should be strictly limited to achieve the purposes supporting the exception.
3. In the specific circumstances, and to the extent logistically feasible, the SPO would not oppose a fully custodial escorted visit of no longer than one day under the

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<sup>1</sup> URGENT Thaçi Defence Request for Temporary Release on Compassionate Grounds, KSC-BC-2020-06/F01547 ('Urgent Request').

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

<sup>3</sup> Public Redacted Version of Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, KSC-BC-2020-06/F00386/RED, 8 July 2021 (redacted version notified 16 July 2021), paras 11-12.

<sup>4</sup> Public Redacted Version of Decision on Periodic Review of Detention of Hashim Thaçi, KSC-BC-2020-06/F01459/RED, 17 April 2023, paras 22, 26-27, 32.

following strict conditions, which are consistent with conditions imposed for prior humanitarian visits:<sup>5</sup>

- a. the Accused remain in the custody of the KSC at all times;
- b. the Accused be detained in Kosovo in detention facilities of the KSC when not engaged in the visit;
- c. the Accused be escorted at all times;
- d. the Accused not be permitted to be alone with any person at any time, and must remain within both sight and earshot of the escorting officers;
- e. the Accused not be permitted to meet with or otherwise have contact with any person other than [REDACTED] (and only while accompanied by the escorting officer(s));
- f. all non-authorized persons shall be required to vacate the designated address for the visit for its full duration;
- g. the Accused not have access to communication devices, pen and paper or any other means of communication of any kind other than as facilitated by the KSC;
- h. the Accused not be permitted to pass or receive items to or from any person;
- i. the Accused (his Counsel and/or other relatives or associates) make no public statement and undertake to maintain secrecy with respect to his presence in Kosovo to the maximum extent possible;<sup>6</sup>
- j. the Accused shall not discuss his case with anyone (other than Counsel and members of his Defence team);

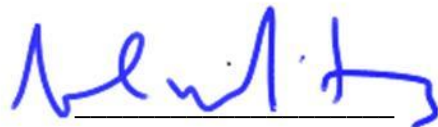
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<sup>5</sup> See *similarly* Public Redacted Version of Second Decision on Veseli Defence Request for Temporary Release on Compassionate Grounds, KSC-BC-2020-06/F00386/RED, para.15. The SPO is confident that the Registry will ensure that these conditions are implemented in a manner respectful of the circumstances.

<sup>6</sup> In the event that the Accused's presence in Kosovo should become known, the SPO requests that the SPO, Registrar and/or EULEX, as appropriate, should to the extent necessitated in the circumstances, be authorized to provide any public clarification or statement which may be needed, including for the purposes of maintaining operational security.

- k. the Accused shall not have any contact whatsoever (direct or indirect) or in any way interfere with any victim or potential witness, or otherwise interfere in any way with the proceedings or the administration of justice; and
  - l. the Accused shall not seek direct access to documents nor destroy evidence.
4. Finally, the SPO emphasises that due to the risks previously outlined by the Panel, as well as the operational and security risks in a transfer of custody of this nature, such facilitation should be exceptional. The SPO is not opposing the Urgent Request, subject to the conditions outlined above, on the basis of the urgency and seriousness of the circumstances as outlined therein, and defers to the Panel on whether the medical documentation annexed are considered to provide sufficient substantiation.
5. This filing is submitted as confidential *ex parte* in accordance with Rule 82(4).

**Word count: 768**



**Alex Whiting**

**Acting Specialist Prosecutor**

Thursday, 1 June 2023

At The Hague, the Netherlands.