



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06

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

Registrar: Dr Fidelma Donlon

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Public Redacted Version of “Report of the Registrar Pursuant to Decision on Urgent Thaçi Request for Temporary Release on Compassionate Grounds”, filing F01591, dated 8 June 2023

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1. On 23 May 2023, Mr Hashim Thaçi ('Mr Thaçi') filed an urgent request for temporary release on compassionate grounds due to the critical medical condition of his mother ('Request').¹ Pursuant to Trial Panel II's ('the Panel') Decision on the Request ('Decision'),² the Registrar hereby reports on the implementation of the Decision.

I. PROCEDURAL HISTORY

2. On 24 May 2023, the Specialist Prosecutor ('SPO')³ responded and the Registrar⁴ filed submissions on the Request, followed by Mr Thaçi's reply the following day.⁵

3. On 25 May 2023, the Panel issued the Decision authorising Mr Thaçi's temporary and secure transfer to Kosovo for one day, departing and returning on the same day, to visit his mother at his parents' home, under certain specified conditions.⁶

4. Among other conditions, the Panel ordered that Mr Thaçi remain in the custody of the Specialist Chambers ('SC') and under escort at all times and that Mr Thaçi only be transported between the airport and his parents' home and, if needed, to and from the SC transfer facility.⁷ The Panel specified that Mr Thaçi must remain at all times in sight and within earshot of escorting officers and that the chief custody officer may take any decision necessary regarding the custodial visit on the basis of operational security, including prematurely terminating the visit.⁸ The Panel further ordered that

¹ KSC-BC-2020-06, F01547, URGENT Thaçi Defence Request for Temporary Release on Compassionate Grounds, 23 May 2023, confidential and *ex parte*, with confidential and *ex parte* Annexes 1-3 (see also F01547/RED, 5 June 2023).

² F01556/COR, Corrected Version of Decision on Urgent Thaçi Request for Temporary Release on Compassionate Grounds, 26 May 2023, confidential and *ex parte*, para. 30.

³ F01550, Prosecution Response to Urgent Thaçi Request for Temporary Release, 24 May 2023, confidential and *ex parte* (see also F01550/RED, 1 June 2023).

⁴ F01551, Registrar's Submissions on Thaçi Defence Request for Temporary Release on Compassionate Grounds, 24 May 2023, confidential and *ex parte* (see also F01551/RED, 5 June 2023).

⁵ F01555, Thaçi Defence Reply to the SPO's and Registrar's Submissions on Thaçi Defence Request for Temporary Release on Compassionate Grounds, 25 May 2023, confidential and *ex parte* (see also F01555/RED, 5 June 2023).

⁶ Decision, paras 21, 24.

⁷ Decision, para. 24(e)-(f).

⁸ Decision, para. 24(f).

the visit at all times be under the condition of secrecy, specifying that Mr Thaçi, his family members, and Counsel refrain from informing any third party of the visit, including the media.⁹ The Panel only authorised the Registry to provide the Decision to Lead Counsel, further specifying that Lead Counsel not inform Defence team members “beyond those specifically holding the position of Counsel”(i.e., Co-Counsel), until Mr Thaçi’s return from Kosovo.¹⁰

5. During Mr Thaçi’s visit at his parents’ home, the Panel authorised certain family members to be present on the property, namely his mother, [REDACTED], her husband, [REDACTED], her son, [REDACTED], his wife, [REDACTED], and the latter’s two children, as well as escort personnel and required medical personnel.¹¹ However, only [REDACTED], escort personnel and required medical personnel were authorised to be present in the area or room where Mr Thaçi interacted with his mother. The Panel further ordered that Mr Thaçi could only communicate with his mother, his father, and [REDACTED], as well as his Counsel and KSC escorting officers, during the custodial visit.¹² The Panel directed the Registry to provide regular updates throughout the custodial visit and to file a report on the implementation of the Decision within 10 days of Mr Thaçi’s return to the Detention Facilities of the SC.¹³

6. On 26 May 2023, following the Panel’s Decision, Mr David Pallaska (‘Mr Pallaska’), Co-Counsel for Mr Thaçi, who had been identified as the contact point for the visit on behalf of the Defence,¹⁴ [REDACTED]. [REDACTED]:

[REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]

⁹ Decision, para. 24(a)-(b).

¹⁰ Decision, para. 24(b).

¹¹ Decision, para. 24(g).

¹² Decision, para. 24(i).

¹³ Decision, para. 30.

¹⁴ See F01555, fn. 5, above, at para.

II. REPORT

7. The secure and temporary transfer of Mr Thaçi to Kosovo for the purpose of a custodial visit took place on Monday, 29 May 2023. The Registry provided the Panel with regular updates throughout the custodial visit, as specified in the Decision.¹⁵

8. During the flight to Kosovo, the chief custody officer briefed Mr Thaçi on the conditions of the custodial visit that had been ordered by the Panel, including the specific individuals the Panel had authorised him to communicate with during the visit. [REDACTED].

9. To ensure that the property was free of all unauthorised persons, the Registry liaised with the contact point for the Defence, Mr Pallaska. [REDACTED]. [REDACTED].

10. [REDACTED]. [REDACTED]. Mr Pallaska confirmed that the property would be cleared of all unauthorised persons ahead of Mr Thaçi's arrival.

11. Upon his arrival in Kosovo, Mr Thaçi was transported to his parents' home. All persons present at the property and inside the residence were identified and briefed by the chief custody officer. [REDACTED].

12. [REDACTED].

13. The visit commenced at 12:08, and Mr Thaçi visited with his mother, [REDACTED], together with [REDACTED], as authorised by the Panel. Mr Thaçi remained at all times within the sight and hearing of the chief custody officer and/or escorting officers, with the assistance of a SC interpreter.

14. Mr Thaçi communicated to the chief custody officer that he would be ready to leave the residence [REDACTED], and the visit concluded at [REDACTED]. [REDACTED].

15. After the visit was completed, Mr Thaçi was transported to the airport, [REDACTED]. Mr Thaçi was transferred back to the SC Detention Facilities in The Hague, the Netherlands the same day, on 29 May 2023.

¹⁵ Decision, para. 30.

16. As ordered by the Panel,¹⁶ Mr Thaçi was not alone with any of the above family members at any time, nor did he meet or communicate with any unauthorised persons. Further, he did not have access to communication devices or other means of communication, including pen and paper. In addition, Mr Thaçi was not permitted to pass or receive any items to or from any person without prior inspection and approval of the escorting officers.

17. While the custodial visit was ongoing, the Registry received various media queries and media reports about Mr Thaçi's presence in Kosovo, [REDACTED].¹⁷

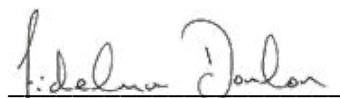
18. Mr Thaçi abided by the instructions of the chief custody officer and the escorting officers during the custodial visit.

19. Cooperation with external partners was highly effective and ensured a successful operation.

III. CLASSIFICATION

20. This report is filed as confidential and *ex parte* pursuant to Rule 82(4) of the Rules.¹⁸ The Registrar will file a public redacted version of this report.

Word count: 1107



Dr Fidelma Donlon
Registrar

Friday, 30 June 2023
At The Hague, the Netherlands

¹⁶ Decision, para. 24(f),(i)-(k).

¹⁷ [REDACTED].

¹⁸ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').