



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: 8 October 2021

Language: English

Classification: **Public**

Order to the Kosovo Police to Provide Information

with confidential Annex

Specialist Prosecutor
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To be served on
Kosovo Police

THE PRE-TRIAL JUDGE,¹ pursuant to Articles 39(13) and 53(1) 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 7 October 2021, the Defence for Mr Veseli submitted a request for an expedited order to the Kosovo Police.⁹

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,

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, F00509, Specialist Counsel, *Veseli Defence Request for an Expedited Order with Annex 1*, 7 October 2021, public, with one annex, F00509/A01, public.

issue any other order as may be necessary for the preparation of a fair and expeditious trial.

7. Pursuant to Article 53(1) of the Law, subject to the rights of the accused provided for in Article 21 of the Law, all entities and persons in Kosovo shall co-operate with the Specialist Chambers and Specialist Prosecutor's Office and shall comply without undue delay with any request for assistance or an order or decision issued by Specialist Chambers or Specialist Prosecutor's Office.

III. DISCUSSION

8. Having regard to the conditions proposed by the Accused in relation to their applications for interim release and without prejudice to any determination to be made by the Pre-Trial Judge in relation to the decisions remanded by the Court of Appeals,¹⁰ the Pre-Trial Judge orders the Kosovo Police to, as further specified in the Annex to the present Order, 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

¹⁰ KSC-BC-2020-06, F00122, Specialist Counsel, *Application for Interim Release with Confidential Annexes 1-2 and Public Annex 3*, 7 December 2020, confidential, paras 19, 35, 48 (a public redacted version was submitted on 18 December 2020, F00122/RED); F00124, Specialist Counsel, *Defence Application for Interim Release*, 7 December 2020, confidential (a public redacted version was issued on 12 December 2020, F00124/RED), para. 48; F00151, Specialist Counsel, *Application for Interim Release of Kadri Veseli with Annexes 1 to 7*, 17 December 2020, public, para. 10; F00329, Specialist Counsel, *Krasniqi Defence Submissions on Detention Review*, 31 May 2021, confidential, paras 48-49 (a public redacted version was submitted on 30 June 2021, F00329/RED); F00341, Specialist Counsel, *Veseli Defence Submissions on Detention Review with Confidential Annexes A to C*, 4 June 2021, confidential, para. 36 (a public redacted version was issued on 25 June 2021, F00341/RED); F00358/A01, Specialist Counsel, *Annex 1 to Krasniqi Defence Reply to Prosecution Response to Defence Submissions on Detention Review*, 18 June 2021, confidential, pp 3-4; F00361, Specialist Counsel, *Selimi Defence Reply to SPO Response to Defence Submissions on Review of Detention*, 18 June 2021, confidential, paras 18-21 (a public redacted version was issued on 30 June 2021, F00361/RED); F00361/A01, Specialist Counsel, *Annex 1 to Selimi Defence Reply to SPO Response to Defence Submissions on Review of Detention*, 18 June 2021, confidential, pp 6-8.

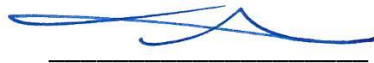
attaching to the interim release or detention of persons accused of severe crimes. In addition, the Kosovo Police may provide any additional information that is considered to be relevant in relation to the enforcement of conditional release.

9. The Kosovo Police shall liaise with any other departments and/or authorities in Kosovo if necessary to provide the requested information. Any technical, logistical or other impediment preventing the proper execution of the Order shall be raised immediately with the Pre-Trial Judge.

IV. DISPOSITION

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

- (a) **ORDERS** the Kosovo Police, in liaison with any other departments and/or authorities in Kosovo if necessary, to provide the information detailed in the Annex to the present order within two weeks of notification of the Albanian translation of the present Order (including its Annex);
- (b) **ORDERS** the Kosovo Police to respect the confidentiality of the Annex and its contents;
- (c) **ORDERS** the Language Services Unit to translate the present Order and its Annex into Albanian by no later than **Wednesday, 13 October 2021**; and
- (d) **ORDERS** the Registrar to immediately transmit the present Order and its Annex to the Kosovo Police and to transmit the Albanian translation thereof as soon as it becomes available.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Friday, 8 October 2021

At The Hague, The Netherlands.