



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06

The 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 Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 19 January 2024

Language: English

Classification: Public

Decision on Joint Defence Request for Certification to Appeal Decision F01963

Specialist Prosecutor
Kimberly P. West

Counsel for Victims
Simon Laws

Counsel for Hashim Thaçi
Gregory Kehoe

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
Geoffrey Roberts

Counsel for Jakup Krasniqi
Venkateswari Alagendra

TRIAL PANEL II (“Panel”), pursuant to Article 45(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 77 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 27 November 2023, the Panel issued its Decision on Admission of Documents Shown to W04769 (“Impugned Decision”).¹
2. On 4 December 2023, the Defence for all four Accused (collectively “Defence”) filed a joint request for certification to appeal the Impugned Decision (“Request”).²
3. On 7 December 2023, the Panel *proprio motu* extended the deadline for any response to the Request to 9 January 2024, ordered that any reply be filed on 16 January 2024, and ordered the Defence to notify the Panel no later than 11 January 2024 whether it will file a reply.³
4. On 9 January 2024, the Specialist Prosecutor’s Office (“SPO”) responded to the Request (“Response”).⁴
5. On 16 January 2024, consistent with its notification of 11 January 2024,⁵ the Defence replied to the Response (“Reply”).⁶

¹ F01963, Panel, *Decision on Admission of Documents Shown to W04769*, 27 November 2023.

² F01982, Specialist Counsel, *Joint Defence Request for Leave to Appeal Decision on Admission of Documents Shown to W04769 (F01963)*, 4 December 2023, confidential.

³ Transcript of Hearing, 7 December 2023, confidential, p. 10731, lines 1-7.

⁴ F02049, Specialist Prosecutor, *Prosecution Response to ‘Joint Defence Request for Leave to Appeal Decision on Admission of Documents Shown to W04769’ (F01982)*, 9 January 2024, confidential.

⁵ CRSPD410, *Email from Veseli DT to CMU re Reply to F2049*, 11 January 2024, confidential.

⁶ F02064, Specialist Counsel, *Joint Defence Reply to Prosecution Response to Joint Defence Request for Leave to Appeal Decision on Admission of Documents Shown to W04769*, 16 January 2024, confidential.

II. SUBMISSIONS

6. The Defence requests leave to appeal the Impugned Decision on the following issues (collectively, “Issues”):

- 1) Whether the Panel erred in its application of Rule 138(1) when it determined that the Defence’s submissions in respect of P651 were issues of weight rather than admissibility (“First Issue”);
- 2) Whether the Panel erred in law by reversing the burden of proof in Rule 138(1) by requiring the Defence to prove P651’s inauthenticity and lack of probative value (“Second Issue”);
- 3) Whether the Panel mischaracterised the Defence’s submissions regarding the dubious nature of P651’s origin (“Third Issue”);
- 4) Whether the Panel committed an error of reasoning when it relied upon Serbian derived documents tendered by the Thaçi Defence to confirm the authenticity of documents from or provided by Serbia (“Fourth Issue”); and
- 5) Whether the Panel committed numerous errors of fact when it determined that P651 was both authentic and reliable (“Fifth Issue”).⁷

7. The Defence submits that the Issues satisfy the requirements for leave to appeal, as they: (i) arise from the Impugned Decision and do not merely disagree therewith;⁸ (ii) are liable to significantly affect the fair and expeditious conduct of the proceedings and need to be addressed in order to safeguard the integrity of the Rules and the fair trial rights of the Accused;⁹ and (iii) require immediate resolution by the Court of Appeals in order to materially advance the proceedings by obviating the risk of any prejudice caused to the Accused and providing clarity in respect of aspects related to admissibility.¹⁰

8. The SPO responds that the Request should be rejected as it fails to meet the leave to appeal standard.¹¹ It submits, in particular, that none of the Issues are appealable issues, as they generally mischaracterise the Impugned Decision, ignore the Panel’s

⁷ Request, paras 2, 23.

⁸ Request, paras 7-20.

⁹ Request, paras 7, 21.

¹⁰ Request, paras 7, 22.

¹¹ Response, para. 13.

considerations, repeat purely speculative inferences, and merely reflect the Defence's disagreement with the Panel's admission into evidence of P651.¹² The SPO avers that the Defence failed to substantiate, let alone justify, on an issue-by-issue basis, how the criteria for certification under Article 45 and Rule 77 are met with respect to any of the Issues.¹³ According to the SPO, none of the Issues significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and granting leave to appeal on any of the Issues would not materially advance the proceedings.¹⁴

9. In its Reply, the Defence maintains that leave to appeal should be granted.¹⁵ It avers that the Issues stem from the Impugned Decision and, absent a ruling from the Court of Appeals, are liable to significantly affect the fair and expeditious conduct of the proceedings. According to the Defence, a proper assessment of P651's content, form and chain of custody is required to safeguard the integrity of the Rules and the fair trial rights of the Accused.¹⁶

III. APPLICABLE LAW

10. Pursuant to Article 45(2) and Rule 77(2), a right to appeal only arises if the standard of certification set forth therein has been met. Rule 77(2) provides that:

The Panel shall grant certification if the decision involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, including, where appropriate remedies could not effectively be granted after the close of the case at trial, and for which an immediate resolution by the Court of Appeals Panel may materially advance the proceedings.

¹² Response, paras 1-8.

¹³ Response, paras 1-2, 9-11.

¹⁴ Response, paras 9-10.

¹⁵ Reply, paras 7-8.

¹⁶ Reply, para. 7.

11. The Panel incorporates by reference the applicable law on the legal standard for certification to appeal set out in its past decisions.¹⁷

IV. DISCUSSION

A. FIRST ISSUE

12. The Defence avers that when assessing P651, the Panel determined that the issues raised by the Defence went exclusively to the weight to be assigned to P651 and not its admissibility, thereby failing to properly apply the admissibility requirements of Rule 138.¹⁸ It argues that this approach is incongruent with the Accused's right not to be prejudiced as protected under Rule 138.¹⁹

13. The SPO responds that the First Issue does not arise from, and mischaracterises, the Impugned Decision, as the Panel expressly considered the objections raised by the Defence in relation to P651's admissibility.²⁰

14. The Defence replies that its submission that the Panel determined that the issues raised by the Defence went to weight and not admissibility, is not a mischaracterisation of the Impugned Decision but rather a direct attestation of the Panel's reasoning.²¹ It submits that the SPO's arguments in respect of the First Issue are baseless and should be dismissed.²²

15. The Panel recalls that the Impugned Decision assesses in detail the *prima facie* authenticity and probative value of P651 as well as whether P651's *prima facie*

¹⁷ F01237, Panel, *Decision on Thaçi Defence Request for Leave to Appeal Decision on Disclosure of Dual Status Witnesses*, 30 January 2023, paras 7-8; KSC-BC-2020-07, F00423, Panel, *Decision on SPO Requests for Leave to Appeal F00413 and Suspensive Effect*, 8 November 2021, paras 13-21; F00372, Panel, *Decision on Haradinaj Defence's Application for Certification of F00328*, 15 October 2021, paras 15-17; F00484, Panel, *Decision on Defence Request for Leave to Appeal F00470*, 8 December 2021, paras 4-14. See also F00172, Pre-Trial Judge, *Decision on the Thaçi Defence Application for Leave to Appeal*, 11 January 2021, paras 6-7, 9-17.

¹⁸ Request, para. 8, referring to Impugned Decision, paras 30-31.

¹⁹ Request, para. 8.

²⁰ Response, para. 4.

²¹ Reply, para. 2.

²² Reply, para. 2.

probative value is outweighed by its prejudicial effect. In this context, the Panel considered all arguments raised for the purpose of deciding admission and verifying the requirements of Rule 138(1).²³ Thereupon, the Panel made it clear that any *residual* matter not relevant to the requirements of admission under Rule 138(1) are to be addressed when assessing the weight to be assigned to the item, if any.²⁴ It follows that the Defence's claim that the Panel regarded the issues raised by the Defence as going 'exclusively' to weight and not to admissibility is a distortion of the Impugned Decision and associated findings.

16. In light of the above, the Panel finds that the Defence has failed to establish that the First Issue arises from the Impugned Decision. Accordingly, the remaining requirements of the certification test arising from Article 45(2) and Rule 77(2) need not be addressed. The request for certification to appeal the First Issue is rejected.

B. SECOND ISSUE

17. The Defence avers that when assessing P651, the Panel reversed the burden of proof contained in Rule 138(1) and made it to fall squarely with the Defence.²⁵ It submits that it is unable to locate any passage in the Impugned Decision in which the Panel actually assessed whether or not the SPO fulfilled the criteria for admission.²⁶

18. The SPO responds that the Second Issue mischaracterises the Impugned Decision and submits that the Panel, upon considering the arguments raised by the Defence, found that the Defence's claims had no basis or were merely speculative, and/or that they do not negate the *prima facie* authenticity of P651.²⁷

19. The Defence replies that the core of its argument is not whether the Panel duly considered the Defence's arguments but rather that the Panel reversed the burden of

²³ Impugned Decision, paras 28-31.

²⁴ Impugned Decision, para. 30.

²⁵ Request, paras 9-10, *referring, in particular, to* Impugned Decision, paras 28-31.

²⁶ Request, para. 9.

²⁷ Response, para. 5.

proof of Rule 138(1) when assessing P651's admissibility.²⁸ The Defence avers that whereas the Panel uncritically accepted all of the SPO's submissions regarding admissibility, it took issue with and dismissed all of the barriers to admissibility pointed out by the Defence.²⁹

20. First, contrary to the Defence submissions, this involves no application of the burden of proof. Instead, it raises the issue of the onus that bears upon the moving party to establish that the requirements of admission in relation to the offered evidence are met. The Panel has repeatedly stated that this onus is squarely upon the moving party.³⁰ The Defence fails to identify the basis on which it would suggest that the Panel departed from this approach in this case.

21. Secondly, the Impugned Decision in fact assessed the admissibility requirements of Rule 138(1),³¹ and, in that context, outlined the arguments of the SPO in respect of each of these requirements. This made it clear that, consistent with the above, it placed the *onus of establishing the conditions of admissibility* of the proposed evidence on the moving party (in the case of P651, the SPO). The Panel found, *inter alia*, that P651 is *prima facie* authentic and has *prima facie* probative value which is not outweighed by its prejudicial effect.³²

22. Thirdly, contrary to Defence submissions, the Panel's assessment of the Defence's arguments that this document was inauthentic³³ does not constitute proof that the Panel reversed the 'burden of proof' (or, more accurately, the onus of establishing the conditions of admissibility). Rather, this demonstrates the Panel's consideration (and

²⁸ Reply, para. 3.

²⁹ Reply, para. 3.

³⁰ F01917, Panel, *Decision on Prosecution Motion for Admission of Accused's Statements*, 9 November 2023, para. 62; F01705, Panel, *Third Decision on Specialist Prosecutor's Bar Table Motion*, 27 July 2023, para. 42; F01409, Panel, *Decision on Specialist Prosecutor's Bar Table Motion*, 31 March 2023, confidential, para. 9; KSC-BC-2020-07, F00334, Panel, *Decision on the Prosecution Request for Admission of Items Through the Bar Table*, 29 September 2021, para. 11.

³¹ Impugned Decision, paras 27-31. *See also* above, para. 15.

³² Impugned Decision, paras 30-31.

³³ Impugned Decision, in particular, paras 29-30.

setting aside) of specific arguments raised by the Defence, in the application of its responsibility to render a reasoned decision. Upon addressing the Defence's claims of inauthenticity, the Panel merely explained why it was nevertheless satisfied that the document was *prima facie* authentic.³⁴ The suggestion that the Panel failed to address the requirements for admissibility, in particular, the item's authenticity, is wholly unsupported as evidenced by the findings in the Impugned Decision.³⁵ Thus, the Defence's claim that the Panel reversed the 'burden of proof' and the submissions underlying that claim, constitute a distortion of the Impugned Decision and associated findings.

23. In light of the above, the Panel finds that the Defence has failed to establish that the Second Issue arises from the Impugned Decision. Accordingly, the remaining requirements of the certification test arising from Article 45(2) and Rule 77(2) need not be addressed. The request for certification to appeal the Second Issue is rejected.

C. THIRD ISSUE AND FOURTH ISSUE

24. The Third and Fourth Issue put forth by the Defence pertain to paragraph 28 of the Impugned Decision. As such, they can best be addressed together. With respect to the Third Issue, the Defence submits that the Panel mischaracterised the Defence's argument when asserting that "there is no basis to suggest that documents originating from or provided by Serbian authorities are *prima facie* suspicious".³⁶ It also submits that in arriving at its conclusion with respect to the admissibility of P651, the Panel disregarded relevant jurisprudence of the International Criminal Tribunal for the former Yugoslavia ("ICTY"), ICTY prosecutorial decisions, and other

³⁴ Impugned Decision, para. 30.

³⁵ Impugned Decision, paras 27-31.

³⁶ Request, para. 11, *referring to* Impugned Decision, para. 28.

contemporaneous examples invoked by the Defence that cast significant doubt over P651's authenticity and reliability.³⁷

25. With respect to the Fourth Issue, the Defence argues that in drawing parallels between P651 and completely unrelated Serbian-derived documents tendered by the Thaçi Defence to suggest that evidence of Serbian origin was not suspicious, the Panel paid little, if any, attention to the form and substance of P651 when compared to those tendered by the Thaçi Defence.³⁸ It contends that this demonstrates a manifest error of reasoning by the Panel.³⁹

26. The SPO responds that the Third and Fourth Issue do not arise from the Impugned Decision. It submits that it is clear from the Impugned Decision that the Panel's *prima facie* assessment stands independently from the consideration that there is no basis to suggest that documents originating from or provided by Serbian authorities are *prima facie* suspicious.⁴⁰ With respect to the Defence's claim that the Panel disregarded jurisprudence and examples invoked by the Defence, the SPO submits that the Panel is not required to discuss each submission individually.⁴¹

27. As regards the Third Issue, the Defence replies that it never so much as suggested that Serbian-originating items are *prima facie* suspicious. Rather, it put forward item-specific arguments targeting P651's substance, form and chain of custody, which, when considered cumulatively, severely affect its authenticity and reliability.⁴² The Defence reiterates its contention that the Panel mischaracterised the Defence's position.⁴³

28. As regards the Fourth Issue, the Defence replies that: (i) the SPO failed to explain what the purpose of the Panel's appeal to previously tendered Serbian-originating

³⁷ Request, para. 12.

³⁸ Request, para. 13, *referring to* Impugned Decision, para. 28.

³⁹ Request, para. 13.

⁴⁰ Response, para. 6.

⁴¹ Response, para. 6.

⁴² Reply, para. 4.

⁴³ Reply, para. 4.

documents was, if not support for its decision to admit P651; and (ii) paragraph 28 of the Impugned Decision did form a part of the Panel's reasoning.⁴⁴

29. With respect to the Defence's suggestion that the Panel misrepresented or distorted the Defence's submission and that the Defence never claimed that documents from Serbia should be regarded as suspicious, the Panel recalls that the Defence has repeatedly made such statements⁴⁵ and the Panel simply reiterated its position on these statements. Furthermore, all of the factors advanced by the Defence as relevant indications to assessing the admissibility of the documents were taken into consideration by the Panel.⁴⁶ While the Impugned Decision does not explicitly cite to the examples invoked by the Defence, it does refer to and, more importantly, address the Defence's submissions in this respect.⁴⁷ Thus, the Defence is expressing mere disagreement with the Panel's finding.

⁴⁴ Reply, para. 5.

⁴⁵ See e.g. F01911, Specialist Counsel, *Joint Defence Response to Prosecution Submissions on Admissibility of Items Following W04769's Testimony* ("Joint Defence Response"), 8 November 2023, confidential, paras 20, 22, 34-38, 40 with Annexes 1-3, confidential (a public redacted version was filed on 29 November 2023, F01911/RED); Transcript of Hearing, 30 October 2023, p. 9124, line 19 to p. 9126, line 3; F01871, Specialist Counsel, *Veseli Defence Request for Admission of Items Used During the Cross-Examination of W04769*, 19 October 2023, confidential, paras 2, 4, 8, 10, with Annexes 1-3, confidential (a public redacted version was filed on 11 January 2024, F01871/RED); Transcript of Hearing, 17 October 2023, confidential, p. 9073, line 4 to p. 9076, line 1; Transcript of Hearing, 16 October 2023, confidential, p. 8965, lines 20-23; Transcript of Hearing, 11 October 2023, confidential, p. 8739, line 7 to p. 8742, line 1; F01637, Specialist Counsel, *Thaçi, Selimi and Krasniqi Defence Response to 'Prosecution Request to Add Intercepted Communications to the Exhibit List'*, 3 July 2023, confidential, e.g. para. 28(m) (a public redacted version was filed on 21 July 2023, F01637/RED); F01496, Specialist Counsel, *Veseli Defence Response to Prosecution Rule 107(2) Request (F01469)*, 1 May 2023, confidential, paras 9-13, with Annex 1, confidential (a public redacted version was filed on 19 July 2023, F01496/RED); F01100, Specialist Counsel, *Veseli Defence Supplemental Submission to Joint Defence Motion for Disclosure Pursuant to Rule 103 (F00877/COR)*, 14 November 2022, confidential, paras 6, 16, 39, 41, with Annexes 1-2, confidential (a public [further] redacted version was filed on 16 December 2022, F01100/RED2); Transcript of Hearing, 4 November 2022, p. 1602, line 20 to p. 1605, line 5 (confidential), p. 1615, lines 14-23 (public); Transcript of Hearing, 13 July 2022, p. 1412, line 7 to p. 1413, line 3; generally, F00877, Specialist Counsel, *Joint Defence Motion for Disclosure Pursuant to Rule 103*, 12 July 2022, confidential, with Annexes 1-3, public, and Annex 4, confidential (a corrected version was filed on 21 July 2022, F00877/COR; a public redacted version of the initial motion was filed on 13 July 2022, F00877/RED); Transcript of Hearing, 24 March 2022, p. 1096, line 19 to p. 1097, line 13.

⁴⁶ See Impugned Decision, paras 28-30.

⁴⁷ See e.g. Impugned Decision, paras 13 (e.g. with fns 28, 30), 28-31 (e.g. with fn. 61).

30. With respect to the Fourth Issue, the Panel recalls that its conclusion that P651 is *prima facie* authentic, was based on multiple considerations set out in the Impugned Decision.⁴⁸ Reference to the documents originating from Serbia as used and tendered by the Defence was not made to suggest, as the Defence incorrectly claims, that ‘evidence of Serbian origin was not suspicious’.⁴⁹ Rather, it was done to reiterate that no *prima facie* assessment should be made that a document is not authentic simply because it originates from Serbia, echoing the Defence’s *own* approach.⁵⁰ The Panel did not rely upon the Serbian documents tendered by the Thaçi Defence to show or confirm that P651 was *prima facie* authentic. Thus, the Defence distorts and expresses mere disagreement with the Panel’s findings.

31. In light of the above, the Panel finds that the Defence has failed to establish that the Third and Fourth Issue arise from the Impugned Decision. Accordingly, the remaining requirements of the certification test arising from Article 45(2) and Rule 77(2) need not be addressed. The request for certification to appeal the Third Issue and the Fourth Issue is rejected.

D. FIFTH ISSUE

32. The Defence submits that: (i) the Panel’s assessment of P651 is laden with manifest errors of fact; (ii) any reasonable arbiter would have concluded, at the very least, that the item fell short of one or more of the admissibility requirements of Rule 138(1); (iii) the Panel’s characterisation of P651 is highly misleading; and (iv) a review of the Panel’s factual conclusions in respect of P651 is needed to properly assess the item’s authenticity and reliability as an item of evidence against the Accused.⁵¹ In particular, the Defence avers that inasmuch as W04769 commented on portions of P651, those comments were restricted exclusively to mundane and

⁴⁸ Impugned Decision, in particular, para. 29.

⁴⁹ See Request, para. 13.

⁵⁰ See above, para. 29 and fn. 45.

⁵¹ Request, paras 14-15, 18, 20, referring to Impugned Decision, paras 29, 31.

inconsequential details contained in the item.⁵² The Defence further avers that the Panel completely neglected to consider the details surrounding the use of different handwriting and vocabulary on the most incriminating pages of the notebook, and that it did so without due regard for the item's severely compromised chain of custody.⁵³

33. The SPO responds that, contrary to the Defence's assertion, the Defence's arguments with respect to the Fifth Issue have already been considered and rejected in the Impugned Decision.⁵⁴ It submits that the Defence does not demonstrate any error but merely disagrees with the Panel's findings in the Impugned Decision.⁵⁵ The SPO further submits that the Panel is not required to articulate every step of its reasoning and discuss every detail of each submission.⁵⁶

34. The Defence replies that the Panel found P651 admissible pursuant to a highly selective assessment of the item's content as well as W04769's testimony.⁵⁷ It submits that the Impugned Decision did not properly address numerous factual considerations identified by the Defence and that the SPO's response in respect of the Fifth Issue should be dismissed.⁵⁸

35. The Panel recalls again that the Impugned Decision assesses in detail the *prima facie* authenticity and probative value of P651 as well as whether P651's *prima facie* probative value is outweighed by its prejudicial effect.⁵⁹ In this context, the Panel addressed, *inter alia*, the Defence's submissions with respect to the arguably different handwriting and vocabulary in certain (limited) parts of the item and its allegedly faulty chain of custody.⁶⁰ The Panel considers that all factors outlined in paragraph 16

⁵² Request, para. 16.

⁵³ Request, para. 19.

⁵⁴ Response, para. 7.

⁵⁵ Response, para. 7.

⁵⁶ Response, para. 7.

⁵⁷ Reply, para. 6.

⁵⁸ Reply, para. 6.

⁵⁹ Impugned Decision, paras 28-31. *See already* above, para. 15.

⁶⁰ Impugned Decision, para. 30.

of the Request were taken into account in the Impugned Decision. Furthermore, it reiterates that these factors do not render the material inadmissible. Rather, insofar as they have been established, they are matters of potential relevance to assessing the weight, if and when the Panel will assess the probative value and/or weight of this exhibit. Thus, the Fifth Issue amounts to a mere disagreement with the respective findings in the Impugned Decision and a mere reiteration of failed arguments.

36. In light of the above, the Panel finds that the Defence has failed to establish that the Fifth Issue arises from the Impugned Decision. Accordingly, the remaining requirements of the certification test arising from Article 45(2) and Rule 77(2) need not be addressed. The request for certification to appeal the Fifth Issue is rejected.

V. CLASSIFICATION

37. The Panel notes that the Request and the Reply were filed confidentially and that no public redacted versions have been filed thus far. The Panel therefore orders the Defence to file public redacted versions of the Request and the Reply, or request their reclassification as public, by **Friday, 26 January 2024**. For future filings, the Panel reminds the Defence of the Panel's oral order regarding the publicity of proceedings, wherein the Panel ordered the Parties and participants, as a matter of principle, to: (i) file simultaneously a public redacted version of their confidential filing; and (ii) when there are compelling reasons not to do so, to indicate in the classification section of the filing the reasons why a public redacted version thereof cannot be provided at the same time.⁶¹

38. Noting that the SPO does not object to the reclassification of the Response as public and considering that the Response contains no confidential information, the Panel directs the Registry to reclassify the Response as public.

⁶¹ Transcript of Hearing, 7 November 2023, p. 9446, lines 13-20.

VI. DISPOSITION

39. For the above-mentioned reasons, the Panel hereby:

- (a) **REJECTS** the Request;
- (b) **ORDERS** the Defence to file public redacted versions of the Request and the Reply, or request reclassification thereof, by **Friday, 26 January 2024**; and
- (c) **DIRECTS** the Registry to reclassify the Response (F02049) as public.



Judge Charles L. Smith, III
Presiding Judge

Dated this Friday, 19 January 2024

At The Hague, the Netherlands.