



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: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 18 November 2020

Language: English

Classification: Public

**Public redacted version of 'Submission of Indictment for confirmation', filing
KSC-BC-2020-06/F00002 dated 24 April 2020
with public redacted Annex 1**

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1. Pursuant to Article 38(4) of the Law¹ and Rule 86(2)-(3) of the Rules,² the Specialist Prosecutor's Office ('SPO') hereby files an indictment for confirmation against **Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI** in respect of crimes committed in Kosovo and parts of Albania between April 1998 and August 1999 ('Indictment').³

2. The Indictment is submitted together with supporting material,⁴ a detailed outline demonstrating the relevance of the evidentiary material to each allegation,⁵ and recent photographs of each of Hashim THAÇI, Kadri VESELI, Rexhep SELIMI and Jakup KRASNIQI.⁶ The SPO notes that, at the time of filing, it is still awaiting clearance of relevant restricted information from certain international organisations. While the indictment is fully supported by the evidence currently submitted, the SPO will likely submit additional supporting materials once they are cleared for release by the international organisations in question.

3. The Indictment and supporting material demonstrate there is a well-grounded suspicion⁷ that Hashim THAÇI, Kadri VESELI, Rexhep SELIMI and Jakup KRASNIQI are individually criminally responsible for: (i) Crimes Against Humanity under International Law, punishable under Articles 13 and 16(1) of the Law, (ii) War Crimes under International Law, punishable under Articles 14 and 16(1) of the Law, and (iii) Other Crimes under Kosovo Law, punishable under the Criminal Code of the Socialist Federal Republic of Yugoslavia and Articles 15(1) and 16(2) of the Law. The

¹ Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). Unless otherwise indicated, all references to 'Article(s)' are to the Law.

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev1/2017, 5 July 2017 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

³ See Annex 1. Pursuant to Rule 86(1), the Specialist Prosecutor has notified the President, who shall assign a Pre-Trial Judge in accordance with Article 33(1)(a).

⁴ The supporting materials are being submitted as a separate package through Legal Workflow.

⁵ See Annex 2. See also Rule 86(3)(b).

⁶ See Annex 3.

⁷ Article 38(4) and Rule 86(1). See also Kosovo, Criminal No.04/L-123, Procedure Code, 2012 ('CPC'), Article 19(1.12) ('Well-grounded suspicion – means filing an indictment. Possession of admissible evidence that would satisfy an objective observer that a criminal offence has occurred and the defendant has committed the offence').

Indictment pleads the material facts in the particular circumstances of the case against Hashim THAÇI, Kadri VESELI, Rexhep SELIMI and Jakup KRASNIQI in conformity with jurisprudence of the KSC⁸ and international courts.⁹

4. Under Article 3(8)(a), for security reasons and the proper administration of justice, the SPO hereby invokes a change of venue to the Host State in respect of this and all future stages of proceedings arising from or related to the Indictment.

5. In due course, the SPO intends to file a separate request concerning: (i) arrest warrants and related orders; (ii) interim non-disclosure of witness and victim identities, and (iii) non-disclosure of portions of the Indictment, related documents, and information to the public. In order to protect victims, witnesses, and the integrity of the proceedings, the SPO requests that the Pre-Trial Judge order the interim non-disclosure of the Indictment, related documents and information to the public or accused until such separate request is made.

6. This filing, its annexes and supporting materials are classified strictly confidential and *ex parte* in accordance with Rules 85(4) and 86(2).

7. Accordingly, the SPO requests the Pre-Trial judge to:

- (i) Confirm the Indictment; and
- (ii) Order the interim non-disclosure of the Indictment, related documents and information as requested at paragraph 5 above.

⁸ [REDACTED]

⁹ IRMCT, *Ngirabatware v. Prosecutor*, MICT-12-29-A, Judgement, 18 December 2014, para.248 and the sources cited therein (pleading joint criminal enterprise); ICTR, *Ntawukulilyayo v. Prosecutor*, ICTR-05-82-A, Judgement, 14 December 2011, para.188 and the sources cited therein (pleading aiding and abetting); ICTY, *Prosecutor v. Blaškić*, IT-95-14-A, Judgement, 29 July 2004, paras 218-219 (pleading superior responsibility); ICTY, *Prosecutor v. Kvočka et al.*, IT-98-30/1-A, Judgement, 28 February 2005, para.65 (citations removed: '[t]he Appeals Chamber has taken the view that whether or not a fact is material depends upon the proximity of the accused person to the events for which that person is alleged to be criminally responsible. "As the proximity of the accused person to those events becomes more distant, less precision is required in relation to those particular details, and greater emphasis is placed upon the conduct of the accused person himself upon which the Prosecution relies to establish his responsibility as an accessory or a superior to the persons who personally committed the acts giving rise to the charges against him"'). See also [REDACTED].

Word count: 755



Jack Smith

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Wednesday, 18 November 2020

At The Hague, the Netherlands