



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2020-06

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Date:** 2 July 2020

**Language:** English

**Classification:** Strictly Confidential and *Ex Parte*

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**ORDER**

**to the Specialist Prosecutor Pursuant to Rule 86(4) of the Rules**

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**Specialist Prosecutor**

Jack Smith

**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Article 39(1) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 86(4) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues the following order.

## I. PROCEDURAL BACKGROUND

1. On 24 April 2020, the Specialist Prosecutor submitted for confirmation a strictly confidential and *ex parte* indictment ("Indictment") together with evidentiary material in support of the factual allegations and a detailed outline linking each item of evidentiary material to each allegation.<sup>2</sup>

## II. SUBMISSIONS

2. In the Indictment, the Specialist Prosecutor's Office ("SPO") charges Hashim Thaçi ("Mr Thaçi"), Kadri Veseli ("Mr Veseli"), Rexhep Selimi ("Mr Selimi") and Jakup Krasniqi ("Mr Krasniqi") (collectively the "Suspects") with the crimes against humanity of murder (Count 8), imprisonment (Count 2), torture (Count 6), persecution (Count 1), enforced disappearances of persons (Count 10) and other inhumane acts (Count 4) under Article 13(1)(a), (e), (f), (h), (i), (j) of the Law, and the war crimes of illegal or arbitrary arrest and detention (Count 3), cruel or inhuman treatment (Count 5), torture (Count 7) and murder or killing (Count 9) under Article 14(1)(c) of the Law and Article 142 of the Criminal Code of the Socialist Federal Republic of Yugoslavia (1976) ("SFRY Criminal Code").<sup>3</sup>

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<sup>1</sup> KSC-BC-2020-06, F00001, President, *Decision Assigning a Pre-Trial Judge*, 23 April 2020, public.

<sup>2</sup> KSC-BC-2020-06, F00002, Specialist Prosecutor, *Submission of Indictment for confirmation* ("Submission of Indictment"), 24 April 2020, strictly confidential and *ex parte*, with Annexes 1-3 ("Indictment"), 2 ("Outline") and 3 ("Photographs"), strictly confidential and *ex parte*.

<sup>3</sup> Indictment, para. 22.

3. According to the SPO, the Suspects incur individual criminal responsibility under Article 16(1)(a) and (c) of the Law and Articles 22, 24, 26 and 30 of the SFRY Criminal Code, as the case may be, for:

- a) Committing, through participation in a joint criminal enterprise (in its basic and extended form), the crimes under Counts 1-10;<sup>4</sup> and/or
- b) Aiding and abetting the crimes under Counts 1-10;<sup>5</sup> or
- c) the crimes under Counts 1-10 as superiors.<sup>6</sup>

4. The SPO requests, *inter alia*, that the Pre-Trial Judge confirm the Indictment against Mr Thaçi, Mr Veseli, Mr Selimi and Mr Krasniqi.<sup>7</sup>

### III. APPLICABLE LAW

5. Pursuant to Article 38(4) of the Law and Rule 86(3) of the Rules, an indictment shall contain the name and particulars of the suspect, a concise statement of the facts of the case and of the crimes with which the suspect is charged, in particular the alleged mode of liability under Article 16 of the Law in relation to the crimes charged.

6. Pursuant to Article 39(1) of the Law and Rule 86(4) of the Rules, the Pre-Trial Judge has the power to review the indictment. During such an examination, pursuant to Rule 86(4)(b) of the Rules, the Pre-Trial Judge may request the Specialist Prosecutor to review the indictment with the aim to provide more specificity on any or all charges, and the specific conduct of the suspect, or to ensure legal accuracy or greater clarity in the presentation of the charges.

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<sup>4</sup> Indictment, paras 32-51, 68.

<sup>5</sup> Indictment, para. 52, 68.

<sup>6</sup> Indictment, paras 53-55, 68.

<sup>7</sup> Submission of Indictment, para. 7(i).

7. Pursuant to Article 21(4)(a) of the Law, the accused has the right to be informed promptly and in detail of the nature and cause of the charges against him. Pursuant to Article 21(4)(c) of the Law, the accused enjoys the right to have adequate time and facilities for the preparation of his or her defence. Pursuant to Article 21(4)(d) of the Law, the accused has the right to be tried within a reasonable time.

#### IV. DISCUSSION

##### A. SPECIFICITY OF THE CHARGES

8. The indictment is the assertion of the prosecutor that he intends to bring the accused to trial for the conduct described therein. In accordance with Article 38(4) of the Law and Rule 86(3) of the Rules, an indictment shall contain: (i) the name and particulars of the suspect; (ii) a concise statement of the facts of the case, *i.e.* all facts underpinning the charges; and (iii) a concise statement of the crimes with which the suspect is charged, *i.e.* the legal characterisation of the described facts. These requirements reflect the essential components of the indictment.

9. If confirmed, the indictment shall provide the accused with sufficient information to understand clearly and fully the nature and cause of the charges against him or her with a view to preparing an adequate defence.<sup>8</sup> Moreover, the

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<sup>8</sup> ECtHR, *Mattoccia v. Italy*, no. 23969/94, Judgment, 25 July 2000, para. 60; *See also*, ICC, *Prosecutor v. Al Hassan*, ICC-01/12-01/18-143-tENG, Pre-Trial Chamber I, Decision on the Defence Request Concerning the Time Limit for the Prosecutor to File the Document Containing a Detailed Description of the Charges, 5 October 2018, para. 30; *Prosecutor v. Yekatom and Ngaïssona*, ICC-01/14-01/18-199, Pre-Trial Chamber II, Decision on the “Prosecution’s Request to Postpone the Confirmation Hearing and All Related Disclosure Deadlines”, 15 May 2019, paras 41-42; STL, *Prosecutor v. Ayyash et al.*, STL-11-01/I, Pre-Trial Judge, Decision Relating to the Examination of the Indictment of 10 June 2011 Issued Against Mr Salim Jamil Ayyash, Mr Mustafa Badreddine, Mr Hussein Hassan Oneissi & Mr Assad Hassan Sabra, 28 June 2011, para. 27; ICTR, *Prosecutor v. Ntagerura et al.*, ICTR-99-46-A, Appeals Chamber, Judgment, 7 July 2006, para. 22; *Prosecutor v. Nsengiyumva*, ICTR-96-12-I, Trial Chamber, Decision on the Defence Motion Raising Objections on Defects in the Form of the Indictment and to

adequacy of the information allows that the accused is tried within a reasonable time. For that reason, when assessing whether the requirements under Article 38(4) of the Law and Rule 86(3) of the Rules have been met, the Pre-Trial Judge must give due regard to the aforementioned rights of the accused set out in Article 21(4) of the Law.<sup>9</sup>

10. The prosecutor selects and frames the charges.<sup>10</sup> The Law and the Rules do not prescribe a particular format for the SPO to follow when preparing the indictment and setting out the charges therein.<sup>11</sup> Nonetheless, Article 21(4)(a) of the Law stipulates, as a minimum guarantee, that the accused is to be informed “in detail”, while Article 38(4) of the Law and Rule 86(3) of the Rules require “concise” statements of the facts and crimes. The requirement of being informed “in detail” and “concise[ly]” entails that the information is set out with precision<sup>12</sup> and briefly, but comprehensively, without diffusion.<sup>13</sup> Accordingly, a combined reading of these provisions requires *specificity* and *clarity* in stating the facts of the case and the crimes, including the modes of liability charged. Only an indictment meeting these requirements will put the accused formally on notice.

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Personal Jurisdiction on the Amended Indictment, 12 May 2000, para. 1, p. 2; ICTY, *Prosecutor v. Kupreškić et al.*, IT-95-16-A, Appeals Chamber, Judgment, 23 October 2001, para. 88.

<sup>9</sup> Article 21(4)(a), (c) and (d) of the Law reflect Article 6(1), (3)(a) and (b) of the (European) Convention for the Protection of Human Rights and Fundamental Freedoms and Article 14(3)(a), (b) and (c) of the International Covenant on Civil and Political Rights. See also ECtHR, *Pélissier and Sassi v. France*, no. 25444/94, Judgment, 25 March 1999 [GC], paras 52, 54; *Sejdovic v. Italy*, no. 56581/00, 1 March 2006 [GC], Judgment, para. 90; Human Rights Committee, *Evelio Ramón Giménez v. Paraguay*, Communication no. 2372/2014, 25 July 2018, para. 7.10; *Arsen Ambaryan v. Kyrgyzstan*, Communication no. 2162/2012, 28 July 2017, para. 9.2.

<sup>10</sup> Similarly, ICC, *Prosecutor v. Ongwen*, ICC-02/04-01/15-422-Red, Pre-Trial Chamber II, Decision on the confirmation of charges against Dominic Ongwen, 23 March 2016, para. 106.

<sup>11</sup> See also ECtHR, *Pélissier and Sassi v. France*, no. 25444/94, Judgment, 25 March 1999 [GC], para. 53.

<sup>12</sup> According to the Online Oxford English Dictionary, “in (the) detail” means “item by item; part by part; minutely”, see *OED Online* (Oxford University Press, December 2019), available at <https://www.oed.com/search?searchType=dictionary&q=in+detail&searchBtn=Search> (last accessed 30 June 2020).

<sup>13</sup> According to the Online Oxford English Dictionary, “concise” means “[e]xpressed in few words; brief and comprehensive in statement; not diffuse”, see *OED Online* (Oxford University Press, December 2019), available at <https://www.oed.com/view/Entry/38276?rskey=nQeDwC&result=1#eid> (last accessed 30 June 2020).

11. As a matter of principle, the indictment shall be a stand-alone document. The factual allegations underpinning the charges, involving the questions of who did what, when, where and against whom, shall be encompassed and sufficiently described in the indictment. Notably, the accused should not be required to consult other documents in order to understand and piece together the factual allegations underpinning the charges.

12. The particular function of the indictment finds expression in various other provisions in the Law and the Rules, which are applicable to different stages of the proceedings. The confirmed indictment is translated into a language the accused understands and speaks, pursuant to Rule 86(8) of the Rules, and is served on the accused, pursuant to Rule 87 of the Rules. During the initial appearance of the accused, the charges contained in the confirmed indictment are read out to him or her, pursuant to Rule 92(2)(b) of the Rules. Lastly, the confirmed indictment defines the scope of the trial, as can be inferred from Articles 39(8) and 40(7) of the Law and Rules 90, 91, 118(1)(b), 124(2), 130(1) and 158(1) of the Rules.

13. Rule 86(3)(a) and (b) of the Rules prescribes that the indictment shall be filed together with supporting material, namely: (i) evidentiary material supporting the material facts; and (ii) a detailed outline demonstrating the relevance of each item of evidentiary material to each allegation, with particular reference to the conduct of the suspect with respect to the alleged crimes. Both provisions pertain to the requirement of presenting evidence supporting the material facts, which is distinct from the requirement to present a detailed and concise statement of facts and their legal characterisation.<sup>14</sup> While the evidentiary material and the detailed

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<sup>14</sup> Similarly, ICC, *Prosecutor v Katanga and Ngudjolo Chui*, ICC-01/04-01/07-1547-tENG, Trial Chamber II, Decision on Filing of a Summary of the Charges by the Prosecutor, 21 October 2008, para. 19; *Prosecutor v. Lubanga Dyilo*, ICC-01/04-01/06-2205, Appeals Chamber, Judgment on the Appeals of Mr Lubanga Dyilo and the Prosecutor Against the Decision of Trial Chamber I of 14 July 2009 entitled "Decision giving notice to the parties and participants that the legal characterisation of the facts may

outline are designed to support the charges and demonstrate the relevance of each item to each allegation, they should not be seen as a replacement or an extension of the indictment. Concretely, whereas it is possible to retrieve additional details to the factual allegations contained in the indictment from the evidentiary material and the detailed outline, the factual allegations cannot be retrieved mostly from the outline in order to understand the charges properly. Notably, in contrast to the indictment, the Law and the Rules do not ascribe a particular function to the detailed outline, except that set forth in Rule 86(3)(b) of the Rules.

14. For the purposes of this order, the Pre-Trial Judge will address the requirement of specificity only with regard to the statement of facts.

#### 1. STATEMENT OF FACTS

15. The statement of facts shall be set forth with sufficient specificity and clarity as to inform the accused of the *cause* of the charge, *i.e.* all facts related to the crimes, including the contextual elements, and the accused's acts and omissions with respect to the individual crimes on which the accusation is based.<sup>15</sup> Accordingly, all facts that are necessary to fulfil the constitutive elements of the alleged crimes, including contextual elements, and proposed modes of liability must be set out.<sup>16</sup>

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be subject to change in accordance with Regulation 55(2) of the Regulations of the Court", 8 December 2009, footnote 163; ICTY, *Prosecutor v. Stakić*, IT-97-24-A, Appeals Chamber, Judgment, 22 March 2006, para. 116.

<sup>15</sup> See ECtHR, *Mattoccia v. Italy*, no. 23969/94, Judgment, 25 July 2000, para. 59; *Penev v. Bulgaria*, no. 20494/04, 7 January 2010, Judgment, para. 33.

<sup>16</sup> Similarly, ICC, *Prosecutor v. Laurent Gbagbo*, ICC-02/11-01/11-572 (OA5), Appeals Chamber, Judgment on the Appeal of the Prosecutor Against the Decision of Pre-Trial Chamber I of 3 June 2013 Entitled "Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute", 16 December 2013, para. 47.



16. An indictment must not make vague allegations on the basis that they might be clarified when and if additional evidence is analysed.<sup>17</sup> Likewise, generic descriptions of alleged conduct without reference to any concrete incidents, the mere mentioning of a legal characterisation of the alleged conduct, or the provision of data and/or statistics alone cannot be said to fulfil the requirement of specificity. That being said, different levels of specificity may be required, depending on the nature of the crimes and the circumstances of the case.<sup>18</sup>

17. Accordingly, when alleging that the accused personally carried out the acts underlying the crime charged, it is necessary to set out, as far as possible, and with “the greatest precision”:<sup>19</sup> the identity of the victim(s); the place and approximate date of the alleged acts; the manner and means by which they were committed and the related mental element.<sup>20</sup>

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<sup>17</sup> Similarly, ICTY, *Prosecutor v. Delić*, IT-04-83-PT, Trial Chamber, Decision on Defence Motion Alleging Defects in the Form of the Indictment and Order on Prosecution Motion to Amend the Indictment, 13 December 2005, para. 16; *Prosecutor v. Kvočka et al.*, IT-98-30/1-A, Appeals Chamber, Judgment, 28 February 2005, para. 30; *Prosecutor v. Naletilić and Martinović*, IT-98-34-A, Appeals Chamber, Judgment, 3 May 2006, para. 25; ICTR, *Prosecutor v. Karemera et al.*, Trial Chamber, Decision on Severance of Andre Rwamakuba and for Leave to File Amended Indictment, 14 February 2005, para. 45; ICC, *Prosecutor v. Lubanga Dyilo*, ICC-01/04-01/06-2205, Appeals Chamber, Judgment on the Appeals of Mr Lubanga Dyilo and the Prosecutor against the Decision of Trial Chamber I of 14 July 2009 Entitled “Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court”, 8 December 2009, paras 90-91; SCSL, *Prosecutor v. Taylor*, SCSL-03-01-A, Appeals Chamber, Judgment, 26 September 2013, para. 41.

<sup>18</sup> Similarly, ICC, *Prosecutor v. Al Hassan*, ICC-01/12-01/18-143-tENG, Pre-Trial Chamber I, Decision on the Defence Request concerning the Time Limit for the Prosecutor to File the Document Containing a Detailed Description of the Charges, 5 October 2018, para. 30; *Prosecutor v. Yekatom and Ngaïssona*, ICC-01/14-01/18-199, Decision on the “Prosecution’s Request to Postpone the Confirmation Hearing and all Related Disclosure Deadlines”, 15 May 2019, paras 41-42.

<sup>19</sup> Similarly, ICTY, *Prosecutor v. Krnojelac*, IT-97-25, Trial Chamber, Decision on Preliminary Motion on Form of Amended Indictment, 11 February 2000, para. 18; *Prosecutor v. Blaškić*, IT-95-14-A, Appeals Chamber, Judgment, 29 July 2004, para. 213. See also, SCSL, *Prosecutor v. Brima et al. (AFRC case)*, SCSL-2004-16-A, Appeals Chamber, Judgment, 22 February 2008, para. 38.

<sup>20</sup> Similarly, ICTY, *Prosecutor v. Blaškić*, IT-95-14-A, Appeals Chamber, Judgment, 29 July 2004, para. 213; ICC, *Prosecutor v. Lubanga Dyilo*, ICC-01/04-01/06-3121-Red, Appeals Chamber, Judgment on the Appeal of Mr Thomas Lubanga Dyilo against his Conviction, 1 December 2014, paras 122-123; *Prosecutor v. Al Hassan*, ICC-01/12-01/18-143-tENG, Pre-Trial Chamber I, Decision on the Defence Request concerning the Time Limit for the Prosecutor to File the Document Containing a Detailed



18. On the other hand, where an accused is not alleged to have directly carried out the crime, or where, by their nature, the crimes are directed against a group or collectivity of people, the accused must be provided with detailed information regarding: as much as possible, the places, times and approximate number of victims, including the necessary particulars to make out the elements of the crimes; the accused's alleged conduct giving rise to criminal responsibility, including the contours of the common plan, its implementation as well as the accused's contribution thereto; the related mental element; and the identities of any alleged co-perpetrators, if known.<sup>21</sup> In any event, open-ended statements of facts in respect of the alleged acts (such as "including, but not limited to" or "such as") are not permitted.<sup>22</sup>

## 2. CONCLUSION

19. In light of the foregoing, the Pre-Trial Judge finds that additional information is necessary for the Indictment to meet the requirements under Article 38(4) of the Law and Rule 86(3) of the Rules.

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Description of the Charges, 5 October 2018, para. 30; *Prosecutor v. Yekatom and Ngaïssona*, ICC-01/14-01/18-199, Pre-Trial Chamber II, Decision on the "Prosecution's Request to Postpone the Confirmation Hearing and all Related Disclosure Deadlines", 15 May 2019, paras 41-42.

<sup>21</sup> Similarly, ICC, *Prosecutor v. Al Hassan*, ICC-01/12-01/18-143-tENG, Pre-Trial Chamber I, Decision on the Defence Request Concerning the Time Limit for the Prosecutor to File the Document Containing a Detailed Description of the Charges, 5 October 2018, para. 30; *Prosecutor v. Yekatom and Ngaïssona*, ICC-01/14-01/18-199, Pre-Trial Chamber II, Decision on the "Prosecution's Request to Postpone the Confirmation Hearing and All Related Disclosure Deadlines", 15 May 2019, paras 41-42; *Prosecutor v. Lubanga Dyilo*, ICC-01/04-01/06-3121-Red, Appeals Chamber, Judgment on the Appeal of Mr Thomas Lubanga Dyilo Against his Conviction, 1 December 2014, para. 123.

<sup>22</sup> Similarly, ICC, *Prosecutor v. Mbarushimana*, ICC-01/04-01/10-465-Red, Pre-Trial Chamber I, Decision on the Confirmation of Charges, 16 December 2011, paras 82-83; *Prosecutor v. Ruto et al.*, ICC-01/09-01/11-373, Pre-Trial Chamber II, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, 23 January 2012, paras 99, 101 and 103; *Prosecutor v. Muthaura et al.*, ICC-01/09-02/11-382-Red, Pre-Trial Chamber II, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, 23 January 2012, para. 106.

20. The Pre-Trial Judge notes that the Indictment contains three charts related to the detention sites included in the charges (Schedule A),<sup>23</sup> the instances of murder or killing (Schedule B),<sup>24</sup> and the instances of enforced disappearance of persons (Schedule C)<sup>25</sup> all of which provide statistical data as regards locations, times and approximate numbers/identities of known victims. It is further noted that in the section on modes of liability a more detailed description of selected factual allegations is incorporated, specifying certain alleged conduct underlying the crimes and the involvement of some of the Suspects.<sup>26</sup> The Pre-Trial Judge further notes that in the sections on underlying crimes,<sup>27</sup> the SPO provides a general description of the allegations with regard to instances of illegal arrest and detention, mistreatment of detainees including torture, killing and enforced disappearances, with no further detail, apparent connection to or distinction among the crime sites listed in Schedule A-C, either in terms of timeframe, victims, specific acts occurring at each location, perpetrators or Suspects.

21. While it can be useful to include schedules or other non-textual items in the Indictment, the Pre-Trial Judge is of the view that, in the specific circumstances, the Indictment does not meet the required level of specificity in the statement of facts section pertaining to the underlying crimes. This lack of specificity can also not be remedied by reading the statements of facts in the Indictment together with the schedules as it still fails to contextualise the alleged conduct and that of the Suspects.

22. Accordingly, the Specialist Prosecutor is required to provide more specificity in the presentation of the charges. Specifically, the Pre-Trial Judge requests the Specialist Prosecutor to consider describing under each crime charged<sup>28</sup> the

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<sup>23</sup> Indictment, pp. 25-29.

<sup>24</sup> Indictment, pp. 30-38.

<sup>25</sup> Indictment, pp. 39-40.

<sup>26</sup> Indictment, paras 41-47.

<sup>27</sup> Indictment, paras 59-66.

<sup>28</sup> Indictment, paras 57-66.

alleged conduct that purportedly occurred in the locations, following the order of the detailed outline,<sup>29</sup> including information as to the location, date/time period, contours of the alleged conduct, the identity or affiliation of the perpetrators, identity, if known, or number of victims and the personal involvement or contributions of the Suspects, as the case may be. The schedules may be retained as they provide additional overview data.

## B. LEGAL CHARACTERISATION OF THE CHARGES

23. During the examination of the indictment and supporting material, the Pre-Trial Judge may revert to the Specialist Prosecutor and request that he review the indictment to ensure legal accuracy, as provided in Rule 86(4)(b) of the Rules. This includes the possibility for the Pre-Trial Judge to request that the correct statement of crimes (legal characterisation) is contained in the indictment.

24. The SPO charges cumulatively the Suspects with arbitrary detention, cruel treatment, torture and murder under Article 14(1)(c) of the Law and Article 142 of the SFRY Criminal Code, as incorporated in Articles 15(1)(a) and 16(2) of the Law.<sup>30</sup>

25. The Pre-Trial Judge notes that Article 142 of the SFRY Criminal Code provides that, among other violations “of rules of international law effective at the time of war, armed conflict or occupation”, killings, torture, inhuman treatment as well as illegal arrests and detention are punishable as war crimes against the civilian population. Inasmuch as Article 142 of the SFRY Criminal Code incorporates by reference the international law applicable during armed conflict, the constitutive elements of the charged crimes under Article 142 of the

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<sup>29</sup> This may include a cluster of locations encompassed under a wider geographical area. See, for example, Outline pp. 260, 452.

<sup>30</sup> Indictment, p. 1 (Introduction), para. 68.

SFRY Criminal Code correspond to those identified above under Article 14(1)(c) of the Law.

26. For these reasons and in light of the Specialist Chambers' obligation to adjudicate and function in accordance with the Law as *lex specialis*,<sup>31</sup> the Pre-Trial Judge requests the Specialist Prosecutor to consider choosing Article 14(1)(c) of the Law as the primary and appropriate legal basis for the charged war crimes and Article 16 of the Law as appropriate legal basis for the charged modes of liability. This request is without prejudice to the ultimate examination of the allegations levied against the Suspects in the Indictment.

#### V. DISPOSITION

27. Pursuant to Rule 86(4)(b) of the Rules, the Pre-Trial Judge requests the Specialist Prosecutor to review the indictment and to file by **Friday, 24 July 2020** a revised Indictment:

- a) incorporating a detailed statement of facts delineating, with more specificity, a description of the factual allegations corresponding to each crime as set out in paragraph 22 above; and
- b) charging the Suspects solely under Articles 13, 14 and 16 of the Law.



**Judge Nicolas Guillou**  
**Pre-Trial Judge**

Dated this Thursday, 2 July 2020  
At The Hague, the Netherlands.

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<sup>31</sup> Article 3(2)(b) of the Law.