



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-07

Before: **Single Judge**
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 28 September 2020

Language: English

Classification: **Public**

Decision Setting the Date for the First Appearance of Nasim Haradinaj

Specialist Prosecutor
Jack Smith

Duty Counsel for Nasim Haradinaj
Bastiaan Martens

THE SINGLE JUDGE,¹ pursuant to Articles 39(6) and 41(5) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 55(6) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 22 September 2020, the Specialist Prosecutor's Office submitted a request for the issuance of an arrest warrant and corresponding transfer order against Nasim Haradinaj ("Mr Haradinaj").²
2. On 24 September 2020, the Single Judge issued the "Arrest Warrant for Nasim Haradinaj",³ and the "Order for Transfer to Detention Facilities of the Specialist Chambers".⁴
3. On 25 September 2020, Mr Haradinaj was arrested.⁵
4. On 26 September 2020, Mr Haradinaj was transferred to the detention facilities of the Specialist Chambers in The Hague, the Netherlands.⁶

¹ KSCPR-2018, F00004, President, *Decision Assigning a Single Judge Pursuant to Article 33(2) of the Law*, 29 May 2018, public.

² KSC-BC-2018-01, F00125, Specialist Prosecutor, *Urgent Request for Arrest Warrants and Related Orders*, 22 September 2020, strictly confidential and *ex parte*, with Annexes 1-2, strictly confidential and *ex parte*.

³ KSC-BC-2018-01, F00128/A03/COR/RED, Single Judge, *Public Redacted Version of Corrected Version of Arrest Warrant for Nasim Haradinaj*, 24 September 2020, public.

⁴ KSC-BC-2018-01, F00128/A04/RED, Single Judge, *Public Redacted Version of Order for Transfer to Detention Facilities of the Specialist Chambers*, 24 September 2020, public.

⁵ KSC-BC-2018-01, F00133, Registrar, *Notification of Arrest Pursuant to Rule 55(4)*, 25 September 2020, strictly confidential and *ex parte*.

⁶ KSC-BC-2018-01, F00137, Registrar, *Notification of the Reception of Nasim Haradinaj in the Detention Facilities of the Specialist Chambers*, 26 September 2020 ("Notification of Reception"), strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*.

5. On 26 September 2020, the Registrar assigned Bastiaan Martens as Duty Counsel for Mr Haradinaj, in accordance with Section 17(2) of the Directive on Counsel and Regulation 21 of the Legal Aid Regulations.⁷

II. APPLICABLE LAW

6. Pursuant to Article 41(5) of the Law, a person deprived of liberty by or on behalf of the Specialist Chambers shall be transferred by way of travel specified in an order to the Specialist Chambers and brought before a Specialist Chambers Judge without delay.

7. Pursuant to Rule 55(6) of the Rules, any person arrested pursuant to an arrest warrant issued by the Specialist Chambers shall be brought without undue delay before a Panel, which shall satisfy itself that the person has been informed of the reasons for his or her arrest and of his or her rights under the Law and the Rules.

8. Pursuant to Article 39(6) of the Law, hearings, including the first appearance of a suspect, shall be public, unless the Specialist Chambers Judge decides otherwise in accordance with the Rules.

III. DISCUSSION

9. Considering that the arrest of Mr Haradinaj and his transfer to the detention facilities of the Specialist Chambers took place on 25 and 26 September 2020, respectively, the Single Judge finds it appropriate to schedule a hearing for Mr Haradinaj's first appearance before him as soon as practicable, taking into account

⁷ Notification of Reception, para. 3.

the constraints of COVID-19, with a view to ensuring that Mr Haradinaj's rights under the Law and the Rules are respected.

10. Furthermore, noting that the publicity of hearings may extend beyond the courtroom, the Single Judge authorises the taking of photographs at the start of the hearing.

IV. DISPOSITION

11. For the above-mentioned reasons, the Single Judge hereby:

- a) **DECIDES** to convene the hearing for the first appearance of Nasim Haradinaj before the Single Judge on **Tuesday, 29 September 2020, at 15:00 hours**; and
- b) **AUTHORISES** the Registrar to organise at the start of the hearing the taking of photographs for one minute and a half.



Judge Nicolas Guillou
Single Judge

Dated this Monday, 28 September 2020
At The Hague, the Netherlands.