



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: 26 October 2020

Language: English

Classification: Public

**Public Redacted Version of
Order for Transfer to Detention Facilities of the Specialist Chambers**

Specialist Prosecutor

Jack Smith

Defence for Hashim Thaçi

To be served on

Hashim Thaçi

I, **JUDGE NICOLAS GUILLOU**, Pre-Trial Judge of the Kosovo Specialist Chambers, assigned by the President of the Specialist Chambers pursuant to Article 33(1)(a) of Law No. 05/L-53 on Specialist Chambers and Specialist Prosecutor's Office ("Law");

BEING SEISED of the strictly confidential and *ex parte* "Submission of Indictment for Confirmation", dated 24 April 2020, "Request for Arrest Warrants and Related Orders", dated 28 May 2020, and "Submission of Revised Indictment for Confirmation", dated 24 July 2020, of the Specialist Prosecutor's Office ("SPO");

HAVING CONFIRMED, in the "Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakub Krasniqi", dated 26 October 2020, the Revised Indictment ("Confirmed Indictment") and having found therein that there is a well-grounded suspicion that Mr Hashim Thaçi ("Mr Thaçi") committed or participated in the commission of crimes within the jurisdiction of the Specialist Chambers, namely, the crimes against humanity of persecution, imprisonment, other inhumane acts, torture, murder, and enforced disappearance, and the war crimes of arbitrary detention, cruel treatment, torture, and murder in violation of Articles 13(1) and 14(1)(c) of the Law, respectively;

HAVING FOUND that there are articulable grounds to believe that Mr Thaçi's arrest is necessary;

HAVING ISSUED an arrest warrant against Mr Thaçi, also known as "Gjarpëri" or "Snake", born on 24 April 1968 in Burojë/Broćna, Skënderaj/Srbica municipality, Kosovo, currently a Kosovan national, personal identification number: [REDACTED], with last known personal address at [REDACTED] Graçanica/Gračanica municipality, Kosovo;

NOTING the "Decision Invoking a Change of Venue to the Host State", dated 21 September 2020, in which the President of the Specialist Chambers relocated the present proceedings to the Netherlands ("Host State");

PURSUANT TO Articles 3(8)(a) and (d), 39(3), 41(5) and (7), 53, and 55 of the Law, and Rules 50 and 55(4) and (6) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers;

ORDER the Registrar of the Specialist Chambers to transmit the present transfer order to Kosovo or any Third State, and the Host State;

ORDER the Registrar to make the necessary arrangements for the prompt transfer of Mr Thaçi to the detention facilities of the Specialist Chambers in the Host State, in coordination with the SPO and the competent authorities of Kosovo or any relevant Third State, and the Host State;

ORDER the Registrar, when transmitting the present transfer order, to seek assistance for, in particular: (i) the safe and unobstructed passage of Mr Thaçi and accompanying officers, as well as any and all possessions of the aforementioned persons, through border control and other checkpoints; (ii) accepting travel and identification documents issued by the Host State or the Specialist Chambers; and (iii) ensuring the safety and security of any aircraft and/or other means of transportation utilized for any such transfer and facilitating the unobstructed passage through national border controls of its crew, if required:

- a. in relation to Kosovo: directing it to provide any relevant details or information regarding the transfer of Mr Thaçi to the Registrar, and recalling that, given the primacy of the Specialist Chambers over all other courts in Kosovo, the Kosovo authorities shall comply with the present order, in accordance with Article 53(2) and (3) of the Law, thus effectuating Mr Thaçi's transfer; and recalling that, should any entity, official of the Kosovo Government or any other person in Kosovo obstruct the execution of the present order or violate any of its conditions, this may constitute an offence pursuant to Article 15(2) of the Law;

- b. in relation to Third States: requesting that they provide their assistance for effectuating the transfer of Mr Thaçi, in accordance with Article 55 of the Law, and promptly notify the Registrar of the date, time, location, and any other relevant details regarding Mr Thaçi's arrest and transfer to the Specialist Chambers, in accordance with Article 55 of the Law. In this regard, should any technical or logistical difficulties or impediments arise in the execution of these orders, the competent state authorities are invited to raise such issues with the representatives of the SPO and/or the Registry, as the case may be;

ORDER the Registrar to take all necessary measures to ensure operational security and the security and safety of Mr Thaçi and any accompanying court officers and other staff during transfer until arrival at the place of detention in the Host State, including issuing the necessary requests to the Host State and any (transiting) Third States;

DECIDE that the present order, currently classified as strictly confidential and *ex parte*, may be communicated, or its existence be revealed, to any competent authority of Kosovo, a Third State, and the Host State, as necessary for its execution; and

ORDER the Specialist Prosecutor to transmit to the Registrar all information available to him that may be of assistance in the execution of the transfer order, as well as any information of relevance to assessing any risks to victims and witnesses associated with the arrest and transfer of Mr Thaçi.



Judge Nicolas Guillou

Pre-Trial Judge

Dated this Monday, 26 October 2020

At The Hague, the Netherlands.