



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

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**Public Redacted Version of  
Arrest Warrant for Rexhep Selimi**

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**Specialist Prosecutor**

Jack Smith

**Defence for Rexhep Selimi**

**To be served on**

Rexhep Selimi

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, 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 Rexhep Selimi ("Mr Selimi") committed or participated in the commission of crimes within the jurisdiction of the Specialist Chambers;

**PURSUANT TO** Articles 35(3), 39(3), 41, 53, 54, and 55 of the Law and Rules 50, 53, 55, 86(6)(b), and 208(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules");

#### **ISSUE AN ARREST WARRANT FOR**

**REXHEP SELIMI**, also known as "Dhjetëshi", "Tenth" or "Tenner", "Agron", "Tafil", or "Lulzim", born on **15 MARCH 1971** in **AQAREVË/OVCAREVO, SKËNDERAJ/SRBICA MUNICIPALITY**, Kosovo, currently a Kosovan national, **PERSONAL IDENTIFICATION NUMBER [REDACTED]**, last known personal address [REDACTED] **PRISHTINË/PRIŠTINA**, Kosovo.

## A. CRIMES AND CONCISE STATEMENT OF FACTS

1. As set out in the Confirmed Indictment, there is a well-grounded suspicion that Mr Selimi is criminally responsible for the crimes against humanity of persecution (Count 1), imprisonment (Count 2), other inhumane acts (Count 4), torture (Count 6), murder (Count 8), and enforced disappearance of persons (Count 10), and the war crimes of arbitrary detention (Count 3), cruel treatment (Count 5), torture (Count 7), and murder (Count 9), in violation of Articles 13(1) and 14(1)(c) of the Law, respectively. In relation to these crimes, there is a well-grounded suspicion that Mr Selimi is criminally responsible, pursuant to Article 16(1)(a) of the Law, for:

- (i) committing, as a member of a joint criminal enterprise (“JCE”), the crimes under Counts 1-10, and, alternatively, committing, as a member of the aforementioned JCE, the crimes under Counts 1-10, by being aware that such crimes might be perpetrated in carrying out the common purpose of the JCE and by willingly taking that risk; and
- (ii) further, and alternatively, aiding and abetting in the crimes under Counts 1-10.

2. Further, and alternatively to the alleged responsibility pursuant to Article 16(1)(a) of the Law, there is a well-grounded suspicion that Mr Selimi is criminally responsible for the crimes under Counts 1-10 as a superior, pursuant to Article 16(1)(c) of the Law.

3. As specified in the Confirmed Indictment, these crimes were committed between approximately April 1998 and August 1999 at a number of locations in Kosovo and northern Albania, including Bare and Bajgorë/Bajgora; [REDACTED]; Berishë/Beriša mountains; [REDACTED]; Cahan, Albania; [REDACTED]; [REDACTED]; Drenoc/Drenovac; Ferizaj/Uroševac; Gjilan/Gnjilane; [REDACTED]; Jabllanicë/Jablanica; [REDACTED]; Kleçkë/Klečka; Kukës, Albania; Likoc/Likovac; Llapashticë/Lapaštica; Llapushnik/Lapušnik; Majac/Majance; Malishevë/Mališevo and Volljakë/Volujak Cave; [REDACTED]; Novobërdë/Novo Brdo; Potok;

Prishtinë/Priština; Prizren; [REDACTED]; Rahovec/Orahovac; [REDACTED]; [REDACTED]; [REDACTED]; Suharekë/Suva Reka; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; and Zllash/Zlaš.

4. The crimes under Counts 1, 2, 4, 6, 8, and 10 were committed as part of a widespread or systematic attack directed against the civilian population of “Opponents” in Kosovo and northern Albania from at least March 1998 through September 1999, to wit those perceived to have been: (i) collaborating or associating with Federal Republic of Yugoslavia (“FRY”) forces, officials or state institutions; or (ii) otherwise not supporting the aims or means of the Kosovo Liberation Army (“KLA”) and later the Provisional Government of Kosovo, including persons associated with the Democratic League of Kosovo, and persons of Serb, Roma, and other ethnicities.

5. The crimes under Counts 3, 5, 7, and 9 were committed against persons not taking active part in the hostilities, and in the context of and associated with a non-international armed conflict in Kosovo between the KLA and forces of the FRY and the Republic of Serbia, including units of the Yugoslav Army, police, and other units of the Ministry of Internal Affairs, and other groups fighting on behalf of the FRY and Serbia from at least March 1998 to approximately 16 September 1999.

#### B. NECESSITY OF THE ARREST

6. Mr Selimi’s arrest is necessary in accordance with Article 41(6)(b) of the Law. There are articulable grounds to believe that he: (a) is a flight risk, as he (i) is aware of the charges against him, as contained in the Confirmed Indictment, and of the potential penalties, which can entail a sentence of up to life-long imprisonment; (ii) is aware of publicly reported convictions of former senior KLA members and named JCE members; (iii) is a current member of the Kosovo Assembly and held several governmental positions in the past, with the ability to readily mobilise a vast network of supporters and government officials, including persons with security, police, and

intelligence expertise; (iv) has access to significant funds; and (v) has the ability to travel freely; (b) may obstruct proceedings by interfering with witnesses, victims or accomplices considering that he (i) holds a position of authority and influence in Kosovo that allows him to mobilise a vast network of supporters to obstruct SPO investigations; (ii) has been included by the United States of America on a list of persons whose property has been blocked for threatening international stabilization efforts in the Western Balkans through, *inter alia*, potential involvement in obstruction of the implementation of United Nations Security Council Resolution 1244, establishing UNMIK; and (iii) has allegedly attempted to interfere with other proceedings regarding the attempted murder of a member of the Democratic League of Kosovo; and (c) considering his alleged participation in a JCE targeting real or perceived KLA opponents, his alleged attempts to obstruct proceedings, and the general climate of intimidation of witnesses who testified against KLA members in the past, may commit further crimes against those perceived as being opposed to the KLA, including victims and witnesses.

### C. EXECUTION OF ARREST WARRANT

7. Given that, according to the information currently available, Mr Selimi resides in Kosovo, the Pre-Trial Judge orders the SPO to execute and serve the arrest warrant. Pursuant to Article 35(3) of the Law, the police within the SPO have the authority and responsibility to exercise powers given to Kosovo police under Kosovo law. It may therefore be considered a “competent authority” under Rule 49(1) of the Rules, capable of executing and serving the present arrest warrant. The Pre-Trial Judge recalls that, pursuant to Articles 53(3) and 54(1) of the Law, the Specialist Chambers have primacy over all other courts in Kosovo and that the present arrest warrant has the same force and effect as a warrant of arrest issued by any other Kosovo court. Pursuant to Article 53(1) of the Law, all entities and persons in Kosovo, including

governmental officials, shall cooperate with the SPO and the Specialist Chambers, and shall comply without delay with any order or decision.

8. If information is available that Mr Selimi is present on the territory of a Third State, the Registrar shall transmit the arrest warrant to the competent authorities of that Third State, requesting that it be executed and served in the presence of representatives of the SPO, in conformity with Article 55 of the Law. Moreover, the Third State is requested to promptly notify the Registrar of the date, time, location, and any other relevant details regarding Mr Selimi's arrest and transfer to the Specialist Chambers, in accordance with Article 55 of the Law. Should any technical or logistical difficulties or impediments arise in the execution of this arrest warrant, the competent authorities of the Third State are invited to raise such issues with the representatives of the SPO and/or the Registry, as the case may be.

#### D. TRANSFER AND DETENTION FACILITY

9. Pursuant to Articles 3(8)(a) and (d), and 41(5) and (7) of the Law and Rule 55(4) of the Rules, upon arrest, Mr Selimi shall be transferred to the detention facilities in the Netherlands ("Host State"), overseen by the Specialist Chambers and managed by the Registry. The Registrar shall execute the order for transfer and make the necessary arrangements for the prompt transfer of Mr Selimi.

#### E. MR SELIMI'S RIGHTS

10. Upon arrest, Mr Selimi is entitled to the rights under Articles 21 and 41(4) of the Law, which must be read out to him upon arrest by the SPO or upon transfer to the custody of the Specialist Chambers, as the case may be.

11. Mr Selimi shall be brought without delay before the Pre-Trial Judge pursuant to Article 41(5) of the Law.

12. Mr Selimi has the right to challenge, pursuant to Article 41(2) and (5) of the Law, the lawfulness of his arrest, the transfer order, and the conditions of detention before the Pre-Trial Judge, and he has the right to appeal before the Specialist Chamber of the Court of Appeal.

F. OTHER REQUESTS AND ORDERS

13. The arrest warrant, currently classified as strictly confidential and *ex parte*, may be communicated, or its existence be revealed, to the accused, Mr Selimi, and to the competent authorities of Kosovo or Third States, including the Host State, as necessary for its execution.

14. Considering the classification of the present arrest warrant, the Pre-Trial Judge requests the competent authorities of Kosovo or any Third State, including the Host State, as the case may be, to refrain from disclosing the existence and contents of this arrest warrant, except to those persons whose involvement is strictly necessary for its execution and service upon Mr Selimi.

15. Should any entity, any official of the Kosovo Government, or any other person in Kosovo obstruct the execution of the present arrest warrant, this may constitute an offence pursuant to Article 15(2) of the Law.



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

Dated this Monday, 26 October 2020  
At The Hague, the Netherlands.