



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

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

**The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi,  
and Jakup Krasniqi**

**Before:** **Pre-Trial Judge**

Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Date:** 6 November 2020

**Language:** English

**Classification:** **Public**

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**Decision Authorising Video Link Participation**

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**Specialist Prosecutor**  
Jack Smith

**Counsel for Jakup Krasniqi**  
Venkateswari Alagenda

**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Articles 21(4)(e) and (5), and 39(4) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 87(6) and 92(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 26 October 2020, the Pre-Trial Judge confirmed the Revised Indictment submitted by the Specialist Prosecutor,<sup>2</sup> issued a warrant of arrest for Jakup Krasniqi ("Mr Krasniqi" or "Accused")<sup>3</sup> and ordered his transfer to the detention facilities of the Specialist Chambers ("SC").<sup>4</sup>

2. On 4 November 2020, Mr Krasniqi was arrested<sup>5</sup> and transferred to the detention facilities of the SC in The Hague, the Netherlands.<sup>6</sup>

3. On 5 November 2020, the Pre-Trial Judge decided to convene the hearing on the initial appearance of Mr Krasniqi on Monday, 9 November 2020, at 11:00 hours.<sup>7</sup>

4. On 6 November 2020, the Registrar appointed Mrs Venkateswari Alagenda as Counsel for Mr Krasniqi.<sup>8</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, F00026, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte*.

<sup>3</sup> KSC-BC-2020-06, F00027/A07/COR/RED, Pre-Trial Judge, *Public Redacted Version of Corrected Version of Arrest Warrant for Jakub Krasniqi*, 5 November 2020, public.

<sup>4</sup> KSC-BC-2020-06, F00028/A08/COR/RED, Pre-Trial Judge, *Public Redacted Version of Corrected Version of Order for Transfer to Detention Facilities of the Specialist Chambers*, 5 November 2020, public.

<sup>5</sup> KSC-BC-2020-06, F00044, Registrar, *Notification of Arrest of Jakup Krasniqi Pursuant to Rule 55(4)*, 4 November 2020, strictly confidential and *ex parte*.

<sup>6</sup> KSC-BC-2020-06, F00048, Registrar, *Notification of Reception of Jakup Krasniqi in the Detention Facilities of the Specialist Chambers*, 4 November 2020, strictly confidential and *ex parte*, with Annex, strictly confidential and *ex parte*.

<sup>7</sup> KSC-BC-2020-06, F00052, Pre-Trial Judge, *Decision Setting the Date for the Initial Appearance and Related Matters*, 5 November 2020, public, para. 21(a).

<sup>8</sup> KSC-BC-2020-06, F00058, Registrar, *Notification of the Appointment of Counsel for Jakup Krasniqi*, 6 November 2020, public, with Annex, confidential.

5. On the same day, Counsel for Mr Krasniqi submitted a request to participate at the initial appearance by way of video link, as COVID-19 travel restrictions in force in Malaysia, where she currently is, prevent Counsel from being present at the initial appearance hearing, as scheduled.<sup>9</sup>

## II. APPLICABLE LAW

6. Pursuant to Article 39(4) of the Law, a person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the SC, be taken into custody, immediately informed of the charges against him or her and transferred to the SC.

7. Pursuant to Rules 87(6) and 92(1) of the Rules, the Accused shall be brought before the Pre-Trial Judge without undue delay for his or her initial appearance.

8. Pursuant to Article 21(4)(e) and (5) of the Law, the Accused has the right to counsel of his or her choosing and legal representation is mandatory in case the Accused is in detention.

## III. DISCUSSION

9. The Pre-Trial Judge notes that, due to travel restrictions related to COVID-19, Counsel for Mr Krasniqi is not in a position to be present at the seat of the SC for the upcoming initial appearance of the Accused. Accordingly, in order to safeguard Mr Krasniqi's right to counsel as well as his right to be brought before the Pre-Trial Judge without undue delay for his initial appearance, it is necessary to authorise Counsel to participate at the hearing by way of video link.

10. The Pre-Trial Judge recalls that proceedings by way of video link are governed by the provisions of the Registrar's Practice Direction on Video Links (KSC-BD-

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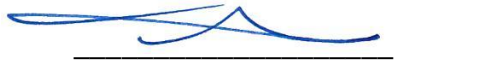
<sup>9</sup> KSC-BC-2020-06, F00059, Defence for Mr Krasniqi, *Urgent Request for Remote Access at the Initial Appearance* ("Request"), 6 November 2020, public, paras 4-5.

23/COR) and any future request to this effect shall be made by the Parties directly to the Registrar, in accordance with Articles 2-5 of the relevant Practice Direction, and sufficiently in advance for the Registrar to take the appropriate steps, including to inform the Pre-Trial Judge.

#### IV. DISPOSITION

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

- a) **GRANTS** the Request and **AUTHORISES** Counsel for Mr Krasniqi to participate at the initial appearance on **Monday, 9 November 2020, at 11:00 hours**, by way of video link; and
- b) **ORDERS** the Registrar to take immediate steps to set up the video link connection in coordination with Counsel for Mr Krasniqi.



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

Dated this Friday, 6 November 2020  
At The Hague, the Netherlands.