



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:** 9 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 Hashim Thaçi**  
David Hooper

**Counsel for Kadri Veseli**  
Ben Emmerson

**Duty Counsel for Rexhep Selimi**  
Robert Kaarls

**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 Kadri Veseli ("Mr Veseli" or "Accused")<sup>3</sup> and ordered his transfer to the detention facilities of the Specialist Chambers ("SC").<sup>4</sup>

2. On 5 November 2020, Mr Veseli was arrested<sup>5</sup> and transferred to the detention facilities of the SC in The Hague, the Netherlands.<sup>6</sup> On the same day, the Registrar appointed Mr Ben Emmerson as Counsel for Mr Veseli.<sup>7</sup>

3. On 6 November 2020, the Pre-Trial Judge decided to convene the hearing on the initial appearance of Mr Veseli on Tuesday, 10 November 2020, at 15:00 hours.<sup>8</sup>

4. On 9 November 2020, Counsel for Mr Veseli submitted a request to participate at the initial appearance by way of video link, as Counsel's medical condition

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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/A03/RED, Pre-Trial Judge, *Public Redacted Version of Arrest Warrant for Kadri Veseli*, 5 November 2020, public.

<sup>4</sup> KSC-BC-2020-06, F00027/A04/RED, Pre-Trial Judge, *Public Redacted Version of Order for Transfer to Detention Facilities of the Specialist Chambers*, 5 November 2020, public.

<sup>5</sup> KSC-BC-2020-06, F00050, Registrar, *Notification of Arrest of Kadri Veseli Pursuant to Rule 55(4)*, 5 November 2020, strictly confidential and *ex parte*.

<sup>6</sup> KSC-BC-2020-06, F00054, Registrar, *Notification of Reception of Kadri Veseli in the Detention Facilities of the Specialist Chambers and Appointment of Counsel* ("Notification"), 5 November 2020, strictly confidential and *ex parte*, with Annexes 1 and 2, strictly confidential and *ex parte*.

<sup>7</sup> Notification, para. 6.

<sup>8</sup> KSC-BC-2020-06, F00060, Pre-Trial Judge, *Decision Setting the Date for the Initial Appearance and Related Matters*, 6 November 2020, public, para. 20(a).

together with COVID-19 travel restrictions currently in force in the United Kingdom, prevent Counsel from being present at the initial appearance hearing, as scheduled.<sup>9</sup>

## II. APPLICABLE LAW

5. 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.

6. 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.

7. 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

8. The Pre-Trial Judge notes that, due to Counsel's medical condition and travel restrictions related to COVID-19, Mr Emmerson 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 Veseli'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.

9. 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-23/COR)

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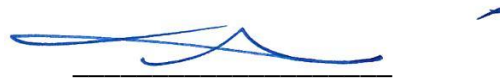
<sup>9</sup> KSC-BC-2020-06, F00068, Defence for Mr Veseli, *Urgent Request for an Order Allowing Specialist Defence Counsel to Attend the Initial Appearance Remotely via Videolink* ("Request"), 9 November 2020, public, paras 5-6.

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

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

- a) **GRANTS** the Request and **AUTHORISES** Counsel for Mr Veseli to participate at the initial appearance on **Tuesday, 10 November 2020, at 15:00 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 Veseli.



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

Dated this Monday, 9 November 2020  
At The Hague, the Netherlands.