



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

**Filed by:** Dr Fidelma Donlon

**Date:** 18 November 2020

**Language:** English

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**Public Redacted Version of**

**‘Report on the Arrest and Transfer of Rexhep Selimi to the Detention Facilities’,  
filing F00071 dated 10 November 2020**

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1. The Registrar hereby reports to the Pre-Trial Judge on the arrest and transfer of Mr Rexhep Selimi ('Mr Selimi') to the Detention Facilities of the Specialist Chambers ('Detention Facilities') located in the Netherlands ('Host State').
2. This report is submitted pursuant to the strictly confidential and *ex parte* Decision on Request for Arrest Warrants and Transfer Orders ('Decision')<sup>1</sup>, together with annexed supporting material.<sup>2</sup>

## I. ARREST

1. The arrest of Mr Selimi was executed by SPO operational security officers, accompanied by an interpreter, with logistical support from EULEX Kosovo.
2. Prior to the arrest, the SPO officers and the interpreter tested negative for the novel coronavirus ('COVID-19'). SPO security officers and the interpreter wore facemasks throughout the arrest and transfer.
3. From 16:30 on 4 November 2020, an SPO investigator unsuccessfully attempted to contact Mr Selimi by telephone. At 18:37, the investigator sent Mr Selimi a message indicating that he should answer the calls as the investigator had important information for him.
4. At 18:45, Mr Selimi answered the telephone. Mr Selimi was informed that an indictment against him had been confirmed, but that he was being given the opportunity to present himself [REDACTED] at 9.00 the following morning. Mr Selimi confirmed that he would attend. The SPO investigator advised Mr Selimi that he should bring his passport [REDACTED]. Mr Selimi asked whether he could make the fact of the indictment public and was informed that the SPO is not encouraging people to do so, but that it is a personal decision.
5. Shortly before 9:00 on 5 November 2020, Mr Selimi entered [REDACTED]. A security search was conducted at 8:54.<sup>3</sup> Certain items, including an iPhone, wallet, and

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<sup>1</sup> Decision on Request for Arrest Warrants and Transfer Orders, KSC-BC-2020-06/F00027, 26 October 2020, strictly confidential and *ex parte*, paras 48, 49(g).

<sup>2</sup> Annex 1, Arrest-Transfer File, strictly confidential and *ex parte*.

<sup>3</sup> Annex 1, Record of Custody (SPO); Annex 1, Transfer of Custody (SPO-Registry).

watch, were placed in evidence bags. The SPO arresting officer, with the assistance of an interpreter, informed Mr Selimi that he was under arrest pursuant to the relevant arrest warrant. The SPO arresting officer effected service of certified copies of the arrest warrant<sup>4</sup> and transfer order<sup>5</sup> on Mr Selimi in both English and Albanian.<sup>6</sup>

6. At approximately 9:24, the arresting officer, in the presence of two other SPO officers, informed Mr Selimi of the reason for his arrest and of his rights, which were stated out loud to him in English and translated into Albanian by the interpreter.<sup>7</sup>

7. The SPO officer informed Mr Selimi, *inter alia*, that he has: the right to legal assistance of Specialist Counsel of his choice and to have Specialist Counsel assigned free of charge if he does not have sufficient means to pay for it; the right to notify or have notified a family member or another appropriate person of his choice about his arrest; and the right to remain silent and that any statement he makes shall be recorded and may be used in evidence. The SPO officer also provided Mr Selimi with a hardcopy of Articles 21 and 41(4) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office in English and Albanian, both of which were also read aloud to Mr Selimi. Immediately thereafter, Mr Selimi confirmed with his signature that he had been provided with information about his rights.<sup>8</sup>

8. Mr Selimi was asked if there was a family member or lawyer that the SPO could provide with a letter from the Head of the Defence Office, and Mr Selimi responded by saying 'no need'.

9. [REDACTED]. [REDACTED].<sup>9</sup>

10. [REDACTED].

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<sup>4</sup> Arrest Warrant for Rexhep Selimi, KSC-BC-2020-06/F00027/A05, 26 October 2020, strictly confidential and *ex parte*.

<sup>5</sup> Order for Transfer to Detention Facilities of the Specialist Chambers, KSC-BC-2020-06/F00027/A06, 26 October 2020, strictly confidential and *ex parte*.

<sup>6</sup> Annex 1, Memorandum of Service (Arrest Warrant and Transfer Order).

<sup>7</sup> Annex 1, Information About Rights.

<sup>8</sup> Annex 1, Information About Rights.

<sup>9</sup> Annex 1, [REDACTED].

## II. TRANSFER

11. The transfer of Mr Selimi into the custody of the Specialist Chambers was executed by the Registry's mission security coordinator ('MSC'), accompanied by the Registry's escort team. A transport log detailing the transfer process was prepared in real time by the MSC, which is annexed to this report in its original, handwritten form along with a transcription.<sup>10</sup>

12. Prior to transfer, the MSC and escort team members tested negative for COVID-19.<sup>11</sup> Throughout the transfer, the MSC and the escort team wore facemasks and gloves, and ensured that Mr Selimi was also provided with a facemask and hand sanitiser gel. Restraints and tactile surfaces in the aircraft were also cleaned prior to transfer.<sup>12</sup>

13. At 10:45, [REDACTED], the MSC signed for the transfer of custody of Mr Selimi from SPO to the Specialist Chambers after confirming Mr Selimi's identity.<sup>13</sup> [REDACTED].<sup>14</sup>

14. At the point of custodial transfer, the MSC signed for the transfer of one silver suitcase and one small travel bag, which were searched in Mr Selimi's presence for the purpose of airline security and sealed. Sharp items from those bags were kept apart for airline security and placed in a sealed clear bag. The MSC signed for sealed clear bags logged under seal numbers P03121960, S00447786, and M01262239.<sup>15</sup> Mr Selimi's certified copies of documents served by SPO were carried in a small, black leather document case.<sup>16</sup>

15. At 11:13, Mr Selimi was settled in a waiting room while waiting for transport to the airport, where he was provided with coffee and lunch.<sup>17</sup>

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<sup>10</sup> Annex 1, Detainee Transport Log.

<sup>11</sup> Annex 1, Detainee COVID Checklist (Transfer).

<sup>12</sup> Annex 1, Detainee COVID Checklist (Transfer).

<sup>13</sup> Annex 1, Transfer of Custody (SPO-Registry); Annex 1, Detainee Transport Log.

<sup>14</sup> Annex 1, Detainee Transport Log; Annex 1, photographs (at point of transfer).

<sup>15</sup> Annex 1, Transfer of Custody (SPO-Registry); Annex 1, Detainee Transport Log.

<sup>16</sup> Annex 1, Transfer of Custody (SPO-Registry); Annex 1, Detainee Transport Log.

<sup>17</sup> Annex 1, Detainee Transport Log.

16. [REDACTED].<sup>18</sup> [REDACTED].
17. At approximately 15:52, the airplane departed [REDACTED].
18. While in transit, Mr Selimi was offered refreshment. Mr Selimi accepted water and a candy bar but no other food. He was also provided with hand sanitiser gel and a new face mask.
19. At 17:14, the Registrar informed the Embassy of the Republic of Kosovo in The Hague that Mr Selimi was being transferred to the Detention Facilities in the Host State pursuant to the arrest warrant and transfer order.<sup>19</sup>
20. At 17:15, the MSC effected service of certified copies of the (Redacted) Indictment<sup>20</sup> on Mr Selimi in both English and Albanian, with the assistance of an interpreter.<sup>21</sup> He was also given a folder to hold the documents.
21. At approximately 18:27, the airplane landed and taxied [REDACTED].
22. At 19:00, the MSC transferred Mr Selimi [REDACTED] into the custody of the Transport and Support Service of the Netherlands ('DV&O'), along with his personal property referred to in paragraph 14 above.<sup>22</sup>
23. At 19:46, Mr Selimi arrived at the Detention Facilities, and DV&O transferred Mr Selimi into the custody of the Chief Detention Officer at 19:55.<sup>23</sup>
24. Upon Mr Selimi's arrival at the Detention Facilities, the Chief Detention Officer promptly notified the Registrar, who immediately informed the Pre-Trial Judge<sup>24</sup> and the Head of the Defence Office in accordance with Detention Rule 10, as well as the

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<sup>18</sup> Annex 1, Detainee Transport Log.

<sup>19</sup> Note Verbale, Ref. KSC/NV2020/0052, 5 November 2020.

<sup>20</sup> (Redacted) Indictment, KSC-BC-2020-06/F00034/A02, 30 October 2020, strictly confidential and *ex parte*.

<sup>21</sup> Annex 1, Memorandum of Service (Redacted Indictment); Annex 1, Detainee Transport Log.

<sup>22</sup> Annex 1, Request for Transport from Airport and Transfer of Detained Person; Annex 1, Transfer of Custody (SPO-Registry); Annex 1, Detainee Transport Log.

<sup>23</sup> Annex 1, Request for Transport from Airport and Transfer of Detained Person.

<sup>24</sup> See Notification of Reception of Rexhep Selimi in the Detention Facilities of the Specialist Chambers, KSC-BC-2020-06/F00055, 5 November 2020, strictly confidential and *ex parte*.

President and the Ombudsperson. The Registrar also informed the International Committee of the Red Cross.<sup>25</sup>

25. [REDACTED].<sup>26</sup> [REDACTED].

26. Mr Selimi was thereafter processed into the Detention Facilities in accordance with the Rules of Detention. At 21:30, the Chief Detention Officer conducted an arrival interview with Mr Selimi, with the assistance of an interpreter. Mr Selimi was provided with the information and documentation referenced in Detention Rule 12.3, as well as contact information for his consular office. He was also provided with information and documentation concerning the availability of legal assistance pursuant to Detention Rule 12.2, including all relevant documents regarding legal aid.

27. The Chief Detention Officer also ensured that Mr Selimi received a letter from the Defence Office explaining his right to counsel as well as a copy of a second letter from the Defence Office providing information on contacts with counsel and family members, in both English and Albanian.<sup>27</sup>

28. At 21:53, the Chief Detention Officer effected service of a certified copy of the (Corrected Redacted) Indictment<sup>28</sup> on Mr Selimi in both English and Albanian.<sup>29</sup>

29. From 21:50 until 22:00, the Head of the Defence Office spoke to Mr Selimi by video-conference, along with the assistance of an interpreter. The Head of the Defence Office informed Mr Selimi about his right to counsel, the availability of legal assistance, the legal aid system, and the List of Counsel. He also informed Mr Selimi

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<sup>25</sup> See Agreement between the Kosovo Specialist Chambers and the International Committee of the Red Cross on Visits to Persons Deprived of Liberty Pursuant to the Jurisdiction of the Kosovo Specialist Chambers, 28 January 2019, para. 12(2).

<sup>26</sup> Annex 1, [REDACTED].

<sup>27</sup> Annex 1, Letter from the Head of the Defence Office, KSC/REG/DEF/0138, 4 November 2020; Annex 1, Letter "to whom it may concern" from the Head of the Defence Office, KSC/REG/DEF/0142, 4 November 2020.

<sup>28</sup> (Corrected Redacted) Indictment, KSC-BC-2020-06/F00045/A02, 4 November 2020, strictly confidential and *ex parte*; Decision Authorising Delayed Service of the Corrected Redacted Indictment, KSC-BC-2020-06/F00046, 4 November 2020, strictly confidential and *ex parte*.

<sup>29</sup> Annex 1, Memorandum of Service (Corrected Redacted Indictment); Annex 1, KSC Service Log, 5 November 2020.

that Duty Counsel had been appointed to him by the Registrar, should he wish to consult Duty Counsel at that time. [REDACTED]. [REDACTED].

30. [REDACTED]. [REDACTED].

31. That evening, Mr Selimi received his personal belongings.

32. [REDACTED].

### III. CLASSIFICATION

33. This report is submitted as strictly confidential and *ex parte* consistent with the classification of KSC-BC-2020-06/F00027, along with one strictly confidential and *ex parte* Annex.

34. Prior to any reclassification, the Registrar requests the opportunity to submit public, redacted and/or confidential, redacted versions of the core filing and Annex to the Pre-Trial Judge in order to protect, *inter alia*: the confidentiality of operations and investigations; information related to the safe and secure transport of Detainees; identifying information of staff or contractors of the SPO and the Registry; and/or [REDACTED].

**Word count: 1786**



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**Dr Fidelma Donlon**

**Registrar**

Tuesday, 18 November 2020

At The Hague, the Netherlands