



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

Classification: Public

Public Redacted Version of

**‘Report on the Arrest and Transfer of Hashim Thaçi to the Detention Facilities’,
filing F00065 dated 8 November 2020**

Specialist Prosecutor’s Office

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1. The Registrar hereby reports to the Pre-Trial Judge on the arrest and transfer of Mr Hashim Thaçi ('Mr Thaçi') 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')¹, together with annexed supporting material.²

I. ARREST

1. The arrest of Mr Thaçi 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. Shortly after 15:00 on 4 November 2020, SPO operational security officers, [REDACTED], met with Mr Thaçi [REDACTED]. [REDACTED]. Mr Thaçi was informed that the indictment against him had been confirmed and a warrant issued for his arrest, but that he was being given the opportunity to present himself [REDACTED] at 10:00 the following morning. He was advised that if he, *inter alia*, did not appear, attempted to leave the country, or took any steps to obstruct justice or interfere with witnesses he would be immediately arrested.
4. Mr Thaçi indicated that he would comply and outlined the schedule he had for the remainder of that day. He also requested that he not have to present himself until 12 midday the following day, in order to hand over tasks and address the people of Kosovo. [REDACTED]. Mr Thaçi requested a copy of the indictment and was informed that the judicial process, including service of relevant documents, would start from the point of custody. [REDACTED]. The meeting concluded at

¹ 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).

² Annex 1, Arrest-Transfer File, strictly confidential and *ex parte*.

approximately 15:30. The SPO officer subsequently confirmed to Mr Thaçi's Chief of Staff, by telephone, that a 12 midday time was agreed.

5. On 4 November 2020, Mr David Hooper QC submitted to the Registrar, through the Head of the Defence Office, a Power of Attorney signed by Mr Thaçi, and the Registrar appointed Mr Hooper as Counsel to Mr Thaçi.³

6. At 12:10 on 5 November 2020, during Mr Thaçi's arrival [REDACTED], an SPO officer provided a letter to Mr Thaçi's local counsel from the Head of the Defence Office providing information about arrangements for counsel and family contacts.⁴

7. At approximately 12:12 on 5 November 2020, Mr Thaçi entered the Compound. After a short wait, a security search was conducted at 13:01.⁵ No items were taken. The SPO arresting officer, with the assistance of an interpreter, informed Mr Thaçi that he was under arrest pursuant to the relevant arrest warrant. The SPO arresting officer effected service of certified copies of the arrest warrant⁶ and transfer order⁷ on Mr Thaçi in both English and Albanian.⁸

8. At 13:19, the arresting officer, in the presence of one other SPO officer, informed Mr Thaçi 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.⁹

9. The SPO officer informed Mr Thaçi, *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

³ See Notification of Reception of Hashim Thaçi in the Detention Facilities of the Specialist Chambers and Appointment of Counsel, KSC-BC-2020-06/F00053, 5 November 2020, strictly confidential and *ex parte*.

⁴ Annex 1, Letter "to whom it may concern" from the Head of the Defence Office, KSC/REG/DEF/0140, 4 November 2020.

⁵ Annex 1, Transfer of Custody (SPO-Registry).

⁶ Arrest Warrant for Hashim Thaçi, KSC-BC-2020-06/F00027/A01, 26 October 2020, strictly confidential and *ex parte*.

⁷ Order for Transfer to Detention Facilities of the Specialist Chambers, KSC-BC-2020-06/F00027/A02, 26 October 2020, strictly confidential and *ex parte*.

⁸ Annex 1, Memorandum of Service (Arrest Warrant and Transfer Order).

⁹ Annex 1, Information About Rights.

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 Thaçi 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 Thaçi. At 13:21, Mr Thaçi confirmed with his signature that he had been provided with information about his rights.¹⁰

10. [REDACTED].¹¹

11. [REDACTED].

II. TRANSFER

12. The transfer of Mr Thaçi 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.¹²

13. Prior to transfer, the MSC and escort team members tested negative for COVID-19.¹³ Throughout the transfer, the MSC and the escort team wore facemasks and gloves, and ensured that Mr Thaçi was also provided with a facemask and hand sanitiser gel. Restraints and tactile surfaces in the aircraft were also cleaned prior to transfer.¹⁴

14. At 14:10, [REDACTED], the MSC signed for the transfer of custody of Mr Thaçi from SPO to the Specialist Chambers after confirming Mr Thaçi's identity.¹⁵ [REDACTED].¹⁶

¹⁰ Annex 1, Information About Rights.

¹¹ Annex 1, [REDACTED].

¹² Annex 1, Detainee Transport Log.

¹³ Annex 1, Detainee COVID Checklist (Transfer).

¹⁴ Annex 1, Detainee COVID Checklist (Transfer).

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

¹⁶ Annex 1, Detainee Transport Log; Annex 1, photographs (at point of transfer).

15. At the point of custodial transfer, the MSC signed for the transfer of one suitcase, which was searched in Mr Thaçi's presence for the purpose of airline security and sealed with tag number 025138. Items kept apart for airline security, [REDACTED], were sealed in a clear plastic bag and logged separately under number M01262238.¹⁷ The MSC also signed for one black backpack containing personal items and certified copies of the documents served by SPO.¹⁸

16. [REDACTED].¹⁹ [REDACTED]. [REDACTED].

17. At 15:53, the airplane departed [REDACTED].

18. While in transit, Mr Thaçi was served refreshment. He was also provided with a new face mask and hand sanitiser gel.

19. At 17:00, the MSC effected service of certified copies of the (Redacted) Indictment²⁰ on Mr Thaçi in both English and Albanian, with the assistance of an interpreter.²¹

20. At 17:15, the Registrar informed the Embassy of the Republic of Kosovo in The Hague that Mr Thaçi was being transferred to the Detention Facilities in the Host State pursuant to the arrest warrant and transfer order.²²

21. At 18:00, Mr Thaçi was again offered refreshment.

22. At 18:28, the airplane landed [REDACTED].

23. At 19:12, the MSC transferred Mr Thaçi [REDACTED] into the custody of the Transport and Support Service of the Netherlands ('DV&O'), along with his personal property: one suitcase sealed under 025138, one clear plastic bag under M01262238, and one black backpack.²³

¹⁷ Annex 1, Transfer of Custody (SPO-Registry); Annex 1, Detainee Transport Log.

¹⁸ Annex 1, Annex 1, Transfer of Custody (SPO-Registry); Annex 1, Detainee Transport Log.

¹⁹ Annex 1, Detainee Transport Log.

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

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

²² Note Verbale, Ref. KSC/NV2020/0054, 5 November 2020.

²³ Annex 1, Request for Transport from Airport and Transfer of Detained Person; Annex 1, Transfer of Custody (SPO-Registry); Annex 1, Detainee Transport Log.

24. At 19:46, Mr Thaçi arrived at the Detention Facilities, and DV&O thereafter transferred Mr Thaçi into the custody of the Chief Detention Officer.²⁴

25. Upon Mr Thaçi's arrival at the Detention Facilities, the Chief Detention Officer promptly notified the Registrar, who immediately informed the Pre-Trial Judge²⁵ and the Head of the Defence Office in accordance with Detention Rule 10, as well as the President and the Ombudsperson. The Registrar also informed the International Committee of the Red Cross.²⁶

26. [REDACTED].²⁷ [REDACTED].

27. Mr Thaçi was thereafter processed into the Detention Facilities in accordance with the Rules of Detention. At 20:30, the Chief Detention Officer conducted an arrival interview with Mr Thaçi, with the assistance of an interpreter. Mr Thaçi 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 concerning legal aid and a letter from the Defence Office explaining his right to counsel, in both English and Albanian.²⁸

28. At 20:36, the Chief Detention Officer effected service of a certified copy of the (Corrected Redacted) Indictment²⁹ on Mr Thaçi in both English and Albanian.³⁰

²⁴ Annex 1, Request for Transport from Airport and Transfer of Detained Person.

²⁵ See Notification of Reception of Hashim Thaçi in the Detention Facilities of the Specialist Chambers and Appointment of Counsel, KSC-BC-2020-06/F00053, 5 November 2020, strictly confidential and *ex parte*.

²⁶ 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).

²⁷ Annex 1, [REDACTED].

²⁸ Annex 1, Letter from the Head of the Defence Office, KSC/REG/DEF/0136, 4 November 2020.

²⁹ (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*.

³⁰ Annex 1, Memorandum of Service (Corrected Redacted Indictment); Annex 1, KSC Service Log, 5 November 2020.

29. From 20:45 until 21:15, the Head of the Defence Office spoke to Mr Thaçi by video-conference, along with the assistance of an interpreter. [REDACTED].
30. [REDACTED]. Later that evening, Mr Thaçi received his personal belongings.
31. [REDACTED]. [REDACTED].
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: 1771



Dr Fidelma Donlon

Registrar

Wednesday, 18 November 2020

At The Hague, the Netherlands