



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 Kadri Veseli to the Detention Facilities’,  
filing F00070 dated 10 November 2020**

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**Specialist Prosecutor’s Office**

Jack Smith

**Counsel for Hashim Thaçi**

David Hooper

**Counsel for Kadri Veseli**

Ben Emmerson

**Counsel for Rexhep Selimi**

David Young

**Counsel for Jakup Krasniqi**

Venkateswari Alagendra

1. The Registrar hereby reports to the Pre-Trial Judge on the arrest and transfer of Mr Kadri Veseli ('Mr Veseli') 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 Veseli 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 make telephone contact with Mr Veseli. At 17:41, Mr Veseli's Senior Political Adviser was contacted and requested to ask Mr Veseli to call the investigator. At 17:47, the SPO investigator received a call from Mr Ben Emmerson, who indicated that he was representing Mr Veseli. Mr Emmerson was asked to inform his client that the indictment against him had been confirmed, but that Mr Veseli was being given the opportunity to present himself [REDACTED] at 10:00 the following morning. Mr Emmerson was advised that if Mr Veseli, *inter alia*, did not appear he would be immediately arrested. [REDACTED].
4. At 18:04, Mr Emmerson called the SPO investigator to confirm that Mr Veseli would attend [REDACTED] at 10:00 the following morning. The SPO investigator noted that Mr Veseli should bring with him his passport [REDACTED].

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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*.

5. On 5 November 2020, the Registrar appointed Mr Emmerson as Counsel to Mr Veseli.<sup>3</sup>
6. At approximately 10:00 on 5 November 2020, Mr Veseli arrived [REDACTED] together with a lawyer. The lawyer was provided with a copy of a letter from the Head of the Defence Office<sup>4</sup> but was denied entry [REDACTED].
7. After a short wait, a security search was conducted at 11:04.<sup>5</sup> The SPO arresting officer, with the assistance of an interpreter, informed Mr Veseli 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>6</sup> and transfer order<sup>7</sup> on Mr Veseli in both English and Albanian.<sup>8</sup> Mr Veseli requested to have his lawyer present and was informed that he would have the opportunity to contact his lawyer later during the process.
8. The SPO officer informed Mr Veseli, *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 Veseli 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 Veseli. At 11:42, Mr Veseli confirmed with his signature that he had been provided with information about his rights.<sup>9</sup>

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<sup>3</sup> See Notification of Reception of Kadri Veseli in the Detention Facilities of the Specialist Chambers and Appointment of Counsel, KSC-BC-2020-06/F00054, 5 November 2020, strictly confidential and *ex parte*.

<sup>4</sup> Annex 1, Letter "to whom it may concern" from the Head of the Defence Office, KSC/REG/DEF/0141, 4 November 2020.

<sup>5</sup> Annex 1, Transfer of Custody (SPO-Registry).

<sup>6</sup> Arrest Warrant for Kadri Veseli, KSC-BC-2020-06/F00027/A03, 26 October 2020, strictly confidential and *ex parte*.

<sup>7</sup> Order for Transfer to Detention Facilities of the Specialist Chambers, KSC-BC-2020-06/F00027/A04, 26 October 2020, strictly confidential and *ex parte*.

<sup>8</sup> Annex 1, Memorandum of Service (Arrest Warrant and Transfer Order).

<sup>9</sup> Annex 1, Information About Rights.

9. [REDACTED]. [REDACTED].<sup>10</sup>

10. At 12:30 and 12:32, prior to transfer, the SPO officer facilitated telephone calls [REDACTED].<sup>11</sup>

11. Mr Veseli requested that a further copy of the letter from the Head of the Defence Office<sup>12</sup> be provided to his Counsel, Mr Emmerson.

12. At 14:35 the SPO contacted the Head of the Defence Office and conveyed Mr Veseli's request. The Head of the Defence Office forwarded a copy of the letter to Mr Emmerson via e-mail at 16:56.

13. [REDACTED].

## II. TRANSFER

14. The transfer of Mr Veseli 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>13</sup>

15. Prior to transfer, the MSC and escort team members tested negative for COVID-19.<sup>14</sup> Throughout the transfer, the MSC and the escort team wore facemasks and gloves, and ensured that Mr Veseli was also provided with a facemask and hand sanitiser gel. Restraints and tactile surfaces in the aircraft were also cleaned prior to transfer.<sup>15</sup>

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<sup>10</sup> Annex 1, [REDACTED].

<sup>11</sup> Annex 1, Transfer of Custody (SPO-Registry).

<sup>12</sup> Annex 1, Letter "to whom it may concern" from the Head of the Defence Office, KSC/REG/DEF/0141, 4 November 2020.

<sup>13</sup> Annex 1, Detainee Transport Log.

<sup>14</sup> Annex 1, Detainee COVID Checklist (Transfer).

<sup>15</sup> Annex 1, Detainee COVID Checklist (Transfer).

16. At 12:51, [REDACTED], the MSC signed for the transfer of custody of Mr Veseli from SPO to the Specialist Chambers after confirming Mr Veseli's identity.<sup>16</sup> [REDACTED].<sup>17</sup>

17. At the point of custodial transfer, the MSC signed for the transfer of one gold-coloured suitcase, which was searched in Mr Veseli's presence for the purpose of airline security and sealed with tag number 025133. Items kept apart for airline security, [REDACTED], were sealed in a clear plastic bag and logged separately under number M01262236.<sup>18</sup> The MSC also signed for two clear sealed bags containing personal items such as a passport, cash, and [REDACTED], under seal numbers P03119600 and S00447619. Mr Veseli was also carrying with him the certified copies of the documents served by the SPO.<sup>19</sup>

18. At 13:22, Mr Veseli was settled in a waiting room while waiting for transport to the airport, and he was provided with both food and water.<sup>20</sup>

19. [REDACTED].<sup>21</sup> [REDACTED].

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

21. While in transit, Mr Veseli was served refreshment. He was also provided with hand sanitiser gel but declined a new face mask.

22. At 17:20, the MSC effected service of certified copies of the (Redacted) Indictment<sup>22</sup> on Mr Veseli in both English and Albanian, with the assistance of an interpreter.<sup>23</sup>

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

<sup>17</sup> Annex 1, Detainee Transport Log; Annex 1, photographs (at point of transfer).

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

<sup>19</sup> Annex 1, Transfer of Custody (SPO-Registry); Annex 1, Detainee Transport Log.

<sup>20</sup> Annex 1, Detainee Transport Log.

<sup>21</sup> Annex 1, Detainee Transport Log.

<sup>22</sup> (Redacted) Indictment, KSC-BC-2020-06/F00034/A02, 30 October 2020, strictly confidential and *ex parte*.

<sup>23</sup> Annex 1, Memorandum of Service (Redacted Indictment); Annex 1, Detainee Transport Log.

23. At 17:15, the Registrar informed the Embassy of the Republic of Kosovo in The Hague that Mr Veseli was being transferred to the Detention Facilities in the Host State pursuant to the arrest warrant and transfer order.<sup>24</sup>

24. At approximately 18:20, the airplane landed [REDACTED].

25. At 18:47, the MSC transferred Mr Veseli [REDACTED] into the custody of the Transport and Support Service of the Netherlands ('DV&O'), along with his personal property referred to in paragraph 17 above.<sup>25</sup>

26. At 19:46, Mr Veseli arrived at the Detention Facilities, and DV&O transferred Mr Veseli into the custody of the Chief Detention Officer at 19:52.<sup>26</sup>

27. Upon Mr Veseli's arrival at the Detention Facilities, the Chief Detention Officer promptly notified the Registrar, who immediately informed the Pre-Trial Judge<sup>27</sup> 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.<sup>28</sup>

28. [REDACTED].<sup>29</sup> [REDACTED].

29. Mr Veseli was thereafter processed into the Detention Facilities in accordance with the Rules of Detention. At 21:00, the Chief Detention Officer conducted an arrival interview with Mr Veseli, with the assistance of an interpreter. Mr Veseli 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

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<sup>24</sup> Note Verbale, Ref. KSC/NV2020/0053, 5 November 2020.

<sup>25</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>26</sup> Annex 1, Request for Transport from Airport and Transfer of Detained Person.

<sup>27</sup> See Notification of Reception of Kadri Veseli in the Detention Facilities of the Specialist Chambers and Appointment of Counsel, KSC-BC-2020-06/F00054, 5 November 2020, strictly confidential and *ex parte*.

<sup>28</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>29</sup> Annex 1, [REDACTED].

aid and a letter from the Defence Office explaining his right to counsel, in both English and Albanian.<sup>30</sup>

30. At 21:05, the Chief Detention Officer effected service of a certified copy of the (Corrected Redacted) Indictment<sup>31</sup> on Mr Veseli in both English and Albanian.<sup>32</sup>

31. From 21:20 until 21:50, the Head of the Defence Office spoke to Mr Veseli by video-conference, along with the assistance of an interpreter. Mr Veseli thanked the Head of the Defence Office for the professional manner in which he was transferred to The Hague and the Detention Facilities. [REDACTED]. He also indicated that if he wished to speak to the Head of the Defence Office again, he would ask the Chief Detention Officer to arrange it.

32. [REDACTED]. [REDACTED].

33. Later that evening, Mr Veseli received his personal belongings.

34. [REDACTED]. [REDACTED].

### III. CLASSIFICATION

35. 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.

36. 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].

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<sup>30</sup> Annex 1, Letter from the Head of the Defence Office, KSC/REG/DEF/0137, 4 November 2020.

<sup>31</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>32</sup> Annex 1, Memorandum of Service (Corrected Redacted Indictment); Annex 1, KSC Service Log, 5 November 2020.

**Word count: 1855**

A handwritten signature in cursive script that reads "Fidelma Donlon".

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**Dr Fidelma Donlon**

**Registrar**

Wednesday, 18 November 2020

At The Hague, the Netherlands