



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

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Public Redacted Version of

**'Report on the Arrest and Transfer of Jakup Krasniqi to the Detention Facilities',
filing F00064 dated 8 November 2020**

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1. The Registrar hereby reports to the Pre-Trial Judge on the arrest and transfer of Mr Jakup Krasniqi ('Mr Krasniqi') 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 Krasniqi was executed by SPO operational security officers, accompanied by an interpreter, with logistical support from EULEX Kosovo and Kosovo police.
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. At approximately 6:25 on 4 November 2020, SPO officers arrested Mr Krasniqi at his home [REDACTED]. They rang the doorbell and then, unsure of whether it had rung or not, knocked on the door of Mr Krasniqi's home, which was quickly opened [REDACTED]. [REDACTED]. The SPO officer identified himself as police from the SPO with a warrant for Mr Krasniqi's arrest. [REDACTED].
4. The SPO arresting officer then introduced himself to Mr Krasniqi by name and as an officer of the SPO. The arresting officer, with the assistance of an interpreter, informed Mr Krasniqi that he was under arrest pursuant to the relevant arrest warrant. [REDACTED]. [REDACTED].

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*.

5. The SPO arresting officer effected service of certified copies of the arrest warrant (redacted)³ and transfer order (redacted)⁴ on Mr Krasniqi in both English and Albanian.⁵ At 6:39, the arresting officer, in the presence of one other SPO officer, informed Mr Krasniqi 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.⁶

6. The SPO officer informed Mr Krasniqi, *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 Krasniqi 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, having first also read both Articles out to Mr Krasniqi in English translated into Albanian by the interpreter. At 6:41, Mr Krasniqi confirmed with his signature that he had been provided with information about his rights.⁷

7. While the arresting officer was reading Mr Krasniqi his rights, a second SPO officer observed that Mr Krasniqi appeared to be doing something with a mobile telephone in his hand. The SPO officer informed Mr Krasniqi that he should not use his phone at that time and (wearing gloves) removed it from him. Mr Krasniqi objected, and the arresting officer politely reminded Mr Krasniqi that he was under arrest at that time. Mr Krasniqi claimed that he was not under arrest and further

³ Corrected Version of Arrest Warrant for Jakup Krasniqi (Redacted), KSC-BC-2020-06/F00027/A07/COR, 26 October 2020, strictly confidential and *ex parte*; Decision Authorising Temporary Redactions, KSC-BC-2020-06/F00035, 30 October 2020, strictly confidential and *ex parte*.

⁴ Corrected Version of Order for Transfer to Detention Facilities of the Specialist Chambers (Redacted), KSC-BC-2020-06/F00027/A08/COR, 26 October 2020, strictly confidential and *ex parte*; Decision Authorising Temporary Redactions, KSC-BC-2020-06/F00035, 30 October 2020, strictly confidential and *ex parte*.

⁵ Annex 1, Memorandum of Service (Redacted Arrest Warrant and Transfer Order).

⁶ Annex 1, Information About Rights.

⁷ Annex 1, Information About Rights.

objected, saying, 'This is no way you should be taking my phone. This is not the way to do it'. The arresting officer reassured Mr Krasniqi that his complaint would be noted.

8. At 6:53, the SPO officers conducted a security search incident to arrest of Mr Krasniqi's person and removed personal property from his pockets, which they placed in an evidence bag. The mobile telephone was also placed into a Faraday bag and into an evidence bag.

9. [REDACTED]. [REDACTED].⁸

10. Mr Krasniqi remained at the residence, in SPO custody, while a search of the property was being conducted by SPO officers. Although Mr Krasniqi had initially waived his right to have a lawyer present at the search, at approximately 10:30, Mr Krasniqi's son informed the SPO team that a lawyer was en route, and the lawyer duly arrived shortly afterwards. [REDACTED]. [REDACTED].

11. At approximately 15:30, Mr Krasniqi was transported by SPO officers from his home to the airport. [REDACTED], Mr Krasniqi was permitted to bring an additional bag with certain personal items with him. A letter from the Head of the Defence Office providing information about arrangements for counsel and family contacts (in both English and Albanian) was provided to Mr Krasniqi's lawyer, who then gave the Albanian copy to Mr Krasniqi's family.⁹

12. [REDACTED]. [REDACTED].¹⁰ [REDACTED].¹¹

13. At approximately 17:10, the SPO officers brought Mr Krasniqi to the point of custodial transfer [REDACTED].¹²

14. Mr Krasniqi was compliant with the SPO officers throughout the arrest and transport, [REDACTED].

⁸ Annex 1, Transfer of Custody (SPO-Registry); Annex 1, [REDACTED]; Annex 1, Detainee Transport Log.

⁹ Annex 1, Letter "to whom it may concern" from Head of the Defence Office, KSC/REG/DEF/0143, 4 November 2020.

¹⁰ Annex 1, [REDACTED].

¹¹ Annex 1, [REDACTED].

¹² Annex 1, Record of Custody (SPO).

II. TRANSFER

15. The transfer of Mr Krasniqi 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.¹³

16. Prior to transfer, the MSC and escort team members tested negative for COVID-19.¹⁴ Throughout the transfer, the MSC and the escort team wore facemasks and gloves, and ensured that Mr Krasniqi was also provided with a facemask and hand sanitiser gel. Restraints and tactile surfaces in the aircraft were also cleaned prior to transfer.¹⁵

17. The MSC signed for the transfer of one "Akaru" bag containing Mr Krasniqi's personal property logged under number M01262242. The MSC confirmed that the items in the "Akaru" bag were safe for flight and sealed the bag with seal numbers 025137, 025139, 025140.¹⁶ The MSC also signed for the "cool" bag sealed and logged under number L00650714, containing [REDACTED] personal items.¹⁷ [REDACTED].¹⁸

18. At 17:49, the MSC signed for the transfer of custody of Mr Krasniqi from SPO to the Specialist Chambers after confirming Mr Krasniqi's identity.¹⁹

19. The MSC then explained the transfer process to Mr Krasniqi, [REDACTED].²⁰

20. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].²¹

¹³ Annex 1, Detainee Transport Log.

¹⁴ Annex 1, Detainee COVID Checklist (Transfer).

¹⁵ Annex 1, Detainee COVID Checklist (Transfer).

¹⁶ Annex 1, Transfer of Custody (SPO-Registry).

¹⁷ Annex 1, 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; Annex 1, [REDACTED].

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

²⁰ Annex 1, Detainee Transport Log; Annex 1, photographs (at point of transfer).

²¹ Annex 1, Detainee Transport Log.

21. At 18:25, the airplane departed [REDACTED]. Mr Krasniqi was offered both food and water while in transit, but he declined.²²
22. [REDACTED]. [REDACTED]. [REDACTED].²³
23. At 19:05, the MSC effected service of certified copies of the (Further Redacted) Indictment²⁴ on Mr Krasniqi in both English and Albanian.²⁵ Mr Krasniqi signed for service but refused to take the certified copy of the (Further Redacted) Indictment.²⁶
24. [REDACTED].
25. At 20:00, the Registrar informed the Embassy of the Republic of Kosovo in The Hague that Mr Krasniqi was being transferred to the Detention Facilities in the Host State pursuant to the arrest warrant and transfer order.²⁷
26. At 20:46, Mr Krasniqi was again offered refreshment, but he declined. He did accept a new face mask and more hand sanitiser gel.²⁸
27. At 21:10, the airplane landed [REDACTED].
28. At 21:19, the MSC transferred Mr Krasniqi [REDACTED] into the custody of the Transport and Support Service of the Netherlands ('DV&O'), along with [REDACTED] two bags of personal property, M01262242 and L00650714, as well as Mr Krasniqi's certified copy of the (Further Redacted) Indictment.²⁹ DV&O departed [REDACTED] at 21:40.
29. At 21:55, Mr Krasniqi arrived at the Detention Facilities, and DV&O thereafter transferred Mr Krasniqi into the custody of the Chief Detention Officer.³⁰ [REDACTED].

²² Annex 1, Detainee Transport Log.

²³ Annex 1, Detainee Transport Log.

²⁴ Indictment, KSC-BC-2020-06/F00034/A03, 30 October 2020, strictly confidential and *ex parte*.

²⁵ Annex 1, Memorandum of Service (Further Redacted Indictment).

²⁶ Annex 1, Memorandum of Service (Further Redacted Indictment); Annex 1, Detainee Transport Log.

²⁷ Note Verbale, Ref. KSC/NV2020/0051, 4 November 2020.

²⁸ Annex 1, Detainee Transport Log.

²⁹ Annex 1, Request for Transport from Airport and Transfer of Detained Person; Annex 1, Detainee Transport Log; Annex 1, [REDACTED].

³⁰ Annex 1, Request for Transport from Airport and Transfer of Detained Person.

30. [REDACTED].³¹ [REDACTED]. [REDACTED] Mr Krasniqi was thereafter processed into the Detention Facilities in accordance with the Rules of Detention.

31. Upon Mr Krasniqi's arrival at the Detention Facilities, the Chief Detention Officer promptly notified the Registrar, who immediately informed the Pre-Trial Judge³² 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.³³

32. [REDACTED], the Chief Detention Officer conducted an arrival interview with Mr Krasniqi, with the assistance of an interpreter. During the arrival interview, Mr Krasniqi was provided with contact information for his consular office and offered phone calls [REDACTED]. Before leaving Mr Krasniqi for the evening, the Chief Detention Officer ensured that Mr Krasniqi had in his possession a certified copy of the (Further Redacted) Indictment.

33. The next morning, on 5 November 2020, the Chief Detention Officer continued the arrival interview with Mr Krasniqi. During the arrival interview, Mr Krasniqi was provided with the information and documentation referenced in Detention Rule 12.3.

34. [REDACTED]. [REDACTED].

35. From 10:05 until 10:30, the Head of the Defence Office spoke to Mr Krasniqi by video-conference, along with the assistance of an interpreter. The Head of the Defence Office provided Mr Krasniqi with information and documentation concerning the availability of legal assistance pursuant to Detention Rule 12.2 and confirmed that the Administrative Office of DMU had provided Mr Krasniqi with all relevant documents concerning legal aid, as well as a letter explaining his right to counsel, in both English and Albanian.³⁴ The Head of the Defence Office also informed Mr Krasniqi that Duty

³¹ Annex 1, [REDACTED].

³² See Notification of Reception of Jakup Krasniqi in the Detention Facilities of the Specialist Chambers, KSC-BC-2020-06/F00048, 4 November 2020.

³³ 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).

³⁴ Annex 1, Letter to Accused from Head of the Defence Office, KSC/REG/DEF/0139, 4 November 2020.

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

36. Later that same day, Mr Krasniqi received his personal belongings.

37. At 16:20, the Chief Detention Officer effected service of certified copies of the corrected versions of the arrest warrant (unredacted),³⁵ transfer order (unredacted),³⁶ and decision on search and seizure (unredacted)³⁷ on Mr Krasniqi in both English and Albanian.³⁸

38. At 19:30, the Chief Detention Officer effected service of a certified copy of the (Corrected Redacted) Indictment³⁹ on Mr Krasniqi in both English and Albanian.⁴⁰

39. The following day, on 6 November 2020 at 10:20, Mr Krasniqi met again with the Head of the Defence Office [REDACTED]. That same day, Mr Krasniqi submitted to the Registrar, through the Head of the Defence Office, a request for the appointment of Ms Venkateswari Alagenda as Counsel and signed a Power of Attorney.

40. On 6 September 2020, the Registrar appointed Ms Venkateswari Alagenda as Counsel to Mr Krasniqi.⁴¹

³⁵ Corrected Version of Arrest Warrant for Jakup Krasniqi, KSC-BC-2020-06/F00027/A07/COR, 26 October 2020, strictly confidential and *ex parte*; Decision Authorising Temporary Redactions, KSC-BC-2020-06/F00035, 30 October 2020, strictly confidential and *ex parte*.

³⁶ Corrected Version of Order for Transfer to Detention Facilities of the Specialist Chambers, KSC-BC-2020-06/F00027/A08/COR, 26 October 2020, strictly confidential and *ex parte*; Decision Authorising Temporary Redactions, KSC-BC-2020-06/F00035, 30 October 2020, strictly confidential and *ex parte*.

³⁷ Corrected Version of Decision Authorising Search and Seizure, KSC-BC-2020-06/F00031/COR, 26 October 2020, strictly confidential and *ex parte*; Decision Authorising Temporary Redactions, KSC-BC-2020-06/F00035, 30 October 2020, strictly confidential and *ex parte*.

³⁸ Annex 1, Memorandum of Service (Unredacted Arrest Warrant, Transfer Order, Decision on Search and Seizure); Annex 1, KSC Service Log (5 November 2020).

³⁹ (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*.

⁴⁰ Annex 1, Memorandum of Service (Corrected Redacted Indictment); Annex 1, KSC Service Log (5 November 2020).

⁴¹ Notification of the Appointment of Counsel, KSC-BC-2020-06, 6 November 2020.

III. CLASSIFICATION

41. 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.

42. 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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Dr Fidelma Donlon

Registrar

Wednesday, 18 November 2020

At The Hague, the Netherlands