



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSC-BC-2020-06

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Date:** 18 September 2020

**Language:** English

**Classification:** Public

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**Public Redacted Version of Second Order to the Specialist Prosecutor Pursuant to  
Rule 86(4) of the Rules**

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**Specialist Prosecutor**  
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David Hooper

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
David Young

**Counsel for Jakup Krasniqi**  
Venkateswari Alagendra

**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Article 39(1) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 86(4) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby issues the following order.

## I. PROCEDURAL BACKGROUND

1. On 24 April 2020, the Specialist Prosecutor submitted for confirmation a strictly confidential and *ex parte* indictment ("Indictment") together with evidentiary material in support of the factual allegations and a detailed outline linking each item of evidentiary material to each allegation ("Outline").<sup>2</sup>
2. On 24 July 2020, further to an order of the Pre-Trial Judge,<sup>3</sup> the Specialist Prosecutor submitted for confirmation a revised indictment ("Revised Indictment").<sup>4</sup>

## II. SUBMISSIONS

3. In the Revised Indictment, the Specialist Prosecutor's Office ("SPO") charges Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi (collectively "the Suspects") with crimes against humanity under Article 13(1)(a), (e), (f), (h), (i), (j) of the Law and war crimes under Article 14(1)(c) of the Law,<sup>5</sup> allegedly committed

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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, F00002, Specialist Prosecutor, *Submission of Indictment for Confirmation*, 24 April 2020, strictly confidential and *ex parte*, with Annexes 1 ("Indictment"), 2 ("Outline") and 3 ("Photographs"), strictly confidential and *ex parte*.

<sup>3</sup> KSC-BC-2020-06, F00010, Pre-Trial Judge, *Order to the Specialist Prosecutor Pursuant to Rule 86(4) of the Rules* ("Rule 86(4) Order"), 2 July 2020, strictly confidential and *ex parte*.

<sup>4</sup> KSC-BC-2020-06, F00011, Specialist Prosecutor, *Submission of Revised Indictment for Confirmation* ("Submission of Revised Indictment"), 27 July 2020, strictly confidential and *ex parte*, with Annex 1 ("Revised Indictment"), strictly confidential and *ex parte*.

<sup>5</sup> Revised Indictment, para. 68 [174].

between March 1998 and September 1999, at several detention sites and other locations throughout Kosovo and in northern Albania.<sup>6</sup>

4. The SPO requests, *inter alia*, that the Pre-Trial Judge confirm the Revised Indictment against the Suspects.<sup>7</sup>

### III. APPLICABLE LAW

5. Pursuant to Article 39(1) of the Law and Rule 86(4) of the Rules, the Pre-Trial Judge has the power to review the indictment. During such an examination, pursuant to Rule 86(4)(b) of the Rules, the Pre-Trial Judge may request the Specialist Prosecutor to review the indictment with the aim to, *inter alia*, provide more specificity on any or all charges or to ensure legal accuracy or greater clarity in the presentation of the charges.

### IV. DISCUSSION

6. The Pre-Trial Judge notes a number of discrepancies between some of the allegations in the Revised Indictment and the information provided in the Outline.

7. Accordingly, in relation to the crimes committed in respect of [REDACTED] in Rahovec/Orahovac, the Revised Indictment charges the Suspects only with murder.<sup>8</sup> In the Outline, however, the relevant evidentiary material is linked to allegations of cruel treatment and murder in respect of the same individual.<sup>9</sup>

8. In relation to the crimes committed in respect of [REDACTED] in Ferizaj/Uroševac, the Revised Indictment charges the Suspects only with murder.<sup>10</sup>

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<sup>6</sup> Revised Indictment, para. 16.

<sup>7</sup> Submission of Revised Indictment, para. 6.

<sup>8</sup> Revised Indictment, para. 168, Schedule B, no. 35.1.

<sup>9</sup> Outline, pp. 580, 596-597.

<sup>10</sup> Revised Indictment, para. 170, Schedule B, no. 3.1.

In the Outline, however, the relevant evidentiary material is linked to allegations of arbitrary detention, cruel treatment, torture and murder in respect of the same individual.<sup>11</sup>

9. The Revised Indictment does not charge the Suspects with any crimes in relation to [REDACTED], Prishtinë/Priština. The Outline, however, links evidentiary material related to the detention and mistreatment of [REDACTED] to allegations of arbitrary detention, cruel treatment and torture in respect of the same individual at the aforementioned location.<sup>12</sup>

10. Bearing in mind that the confirmed indictment defines the scope of the trial,<sup>13</sup> the Pre-Trial Judge finds that additional information on the aforementioned locations and individuals is necessary to provide more specificity and ensure greater clarity in relation to the charges.

## V. DISPOSITION

11. In light of the foregoing and pursuant to Rule 86(4)(b) of the Rules, the Pre-Trial Judge requests the Specialist Prosecutor to review the Revised Indictment in relation to the aforementioned locations and individuals and, should the Specialist Prosecutor find it necessary to amend the relevant charges, to file a further revised indictment by **Thursday, 24 September 2020**.



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

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<sup>11</sup> Outline, pp. 574, 578, 592, 598-599.

<sup>12</sup> Outline, pp. 573, 577, 592.

<sup>13</sup> Rule 86(4) Order, para. 12.

Dated this Friday, 18 September 2020  
At The Hague, the Netherlands.