



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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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Registrar's Submissions for the Sixth Status Conference

Specialist Prosecutor's Office

Jack Smith

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

I. INTRODUCTION

1. On 12 July 2021, the Pre-Trial Judge issued an Order¹ setting the date for the sixth status conference and inviting the Parties and participants to file submissions on various outstanding issues. The Registrar hereby provides updates on: (i) translations; and (ii) detention.²

II. SUBMISSIONS

(1) Translations

2. With regard to translations, the Pre-Trial Judge seeks updates on: (a) whether the Language Services Unit ('LSU') has made progress on the translation of prioritised documents; and (b) whether the Parties have made any further urgent requests for translation.

3. With regard to the documents that have been prioritised for translation, on 25 May 2021, ahead of schedule,³ LSU completed translations of the confidential redacted versions of the Rule 86(3)(b) Outlines, totalling 604 pages.⁴ In addition, translations of the strictly confidential and confidential redacted versions of the Confirmation Decision were completed and distributed today.⁵ Therefore, the Registry is pleased to report that LSU has completed the translations of all requests for priority translation submitted by the Krasniqi Defence team (none of the other Defence teams in this case having submitted requests for priority translation).

¹ See KSC-BC-2020-06, F00393, Order Setting the Date for a Sixth Status Conference and for Submissions, 12 July 2021, public ('Order').

² Ibid. para. 12(2), (6).

³ KSC-BC-2020-06, Transcript of Status Conference of 19 May 2021, public, p. 396, lines 5-7.

⁴ F00136, Submission of Confidential Redacted Rule 86(3)(b) Outlines, with confidential Annexes 1-2, 11 December 2020.

⁵ F00026, Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi Jakup Krasniqi, 26 October 2020, strictly confidential and *ex parte*; F00026/CONF/RED, Confidential Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi Jakup Krasniqi, confidential, 19 November 2020.

4. As of the date of this filing, only one document prioritised for translation remains: the public redacted version of the Confirmation Decision.⁶ LSU is doing its utmost to have the translation completed by the end of this month.

(2) Detention

5. Concerning detention-related matters, the Pre-Trial Judge seeks updates on: (a) whether the exchange of documents between Counsel and the Accused in the Detention Facilities of the Specialist Chambers ('SC') has improved as a result of updated COVID-19 regulations; and (b) whether the Registry will be able to resume visits of immediate family members in July.

6. Concerning the exchange of documents between Counsel and the Accused in the Detention Facilities, the Registry recalls that it launched the Secure Electronic Data Sharing ('SEDS') system in March 2021. The SEDS system provides Counsel and Detainees with additional means of exchanging defence materials through a file sharing location on the SC network.⁷ The system's capacity was quadrupled at the end of April 2021. Enhancements were also made to the acoustics in the legal consultation room in the Detention Facilities on 8 April 2021. Also, computer screens were placed in the legal consultation room in late May 2021 so that both Counsel and Detainees may look at documents simultaneously. No issues have been raised by the Defence teams regarding the operation of the SEDS system.

7. Additionally, based on the advice of the Medical Officer,⁸ on 1 July 2021, in-person meetings between Counsel and the Accused in the same room (with the ability to directly exchange paper documents) resumed in the Detention Facilities, provided that Counsel were either vaccinated or travelled from certain lower risk countries. As

⁶ F00026/RED, Public Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi Jakup Krasniqi, public, 30 November 2020.

⁷ See Registry Instruction on Secure Electronic Data Sharing Between Counsel and Detainees, KSC-BD-39, 4 March 2021.

⁸ F00353/RED, Public Redacted Version of 'Update to Submission of the Registrar Pursuant to Rule 23(2) on COVID-19 Risk Mitigation Measures,' filing F00353 dated 16 June 2021, 17 June 2021, public ('Updated COVID-19 Submission'), paras 13-14.

of 15 July 2021, in-person visits in the same room have resumed in the Detention Facilities with all Counsel, regardless of their vaccination status and the country they are travelling from. As of the date of this filing, certain Defence teams have already availed themselves of these new arrangements,⁹ and no concerns have been brought to the Registrar's attention.

8. With regard to in-person family visits, the Registry is pleased to report that, based on the advice of the Medical Officer,¹⁰ in-person family visits have resumed as of 15 July 2021 for a Detainee's immediate family members.¹¹ The vaccination of immediate family members is not required for resuming in-person family visits. The Registry is providing logistical support to family members at all stages of the process, including liaising with the Host State regarding the issuance of visas.¹²

9. Visits with other family members are currently planned to resume in August or September, if the Medical Officer's assessment of this first step of the phased approach to resuming in-person visits is positive, and subject to the evolution of the COVID-19 situation in the Netherlands and globally. Additionally, video visits will continue to be facilitated with Close Relatives of Detainees as much as possible.¹³

10. The Registrar will continue to monitor the situation and engage with the Medical Officer to facilitate the further easing of risk mitigation measures at the very earliest that health and safety allow. The easing of measures described above remains under

⁹ Before the current arrangements were introduced, Counsel and the Accused were able to exchange case-related materials through a variety of means, including the SEDS system and procedures for the import/export of CDs, DVDs and other materials. Although full physical separation during in-person Counsel visits was implemented based on medical advice to protect the health of Detainees and others, computer screens in the legal consultation room have enabled both Counsel and Detainees to look at documents simultaneously. In addition to facilitating video visits with Counsel (*see* Registry Instruction on Video Visits, KSC-BD-34, 23 September 2020), the SC has also assisted Defence team members abroad in calling in to in-person Counsel visits, when requested.

¹⁰ Updated COVID-19 Submission, para. 15.

¹¹ *See* Registry Instruction, General Restrictions on Visits Due to COVID-19, KSC-BD-25-rev1, 15 July 2021. In addition, in-person consular visits have also resumed as of 15 July 2021.

¹² The Registry is actively coordinating with the Host State authorities to ensure the most effective process for the issuance of visas by the Host State, in accordance with Article 37 of the Agreement between the Kingdom of the Netherlands and the Republic of Kosovo concerning the Hosting of the Kosovo Relocated Specialist Judicial Institution in the Netherlands (15 February 2016).

¹³ *See* Registry Instruction on Video Visits, KSC-BD-34, 23 September 2020.

continuous review by the Medical Officer, and changes may still occur, particularly in light of any potential ramifications of the Delta variant of the novel coronavirus. Should any change occur, the Registry will inform Detainees, their family members, and Counsel as soon as possible.

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Dr Fidelma Donlon
Registrar

Friday, 16 July 2021
At The Hague, the Netherlands