



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

Date: 2 May 2022

Language: English

Classification: **Public**

Decision Setting the Date for Further Appearances and Related Matters

Specialist Prosecutor
Jack Smith

Counsel for Victim
Simon Laws

Counsel for Hashim Thaçi
Gregory Kehoe

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
David Young

Counsel for Jakup Krasniqi
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THE PRE-TRIAL JUDGE,¹ pursuant to Articles 21(4), 39(4) and (5) of Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 90(3) and 92 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 26 October 2020, the Pre-Trial Judge confirmed² the indictment submitted by the Specialist Prosecutor's Office ("SPO"),³ and issued a warrant of arrest for Hashim Thaçi ("Mr Thaçi"),⁴ Kadri Veseli ("Mr Veseli"),⁵ Rexhep Selimi ("Mr Selimi")⁶ and Jakup Krasniqi ("Mr Krasniqi")⁷ (collectively "Accused") and ordered their transfer to the detention facilities of the Specialist Chambers ("SC").⁸

¹ KSC-BC-2020-06, F00001, President, *Decision Assigning a Pre-Trial Judge*, 23 April 2020, public.

² KSC-BC-2020-06, F00026, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte*. A public redacted version was filed on 30 November 2020, F00026/RED.

³ KSC-BC-2020-06, F00002, Specialist Prosecutor, *Submission of Indictment for Confirmation*, 24 April 2020, strictly confidential and *ex parte*, with Annexes 1-3, strictly confidential and *ex parte*. On 24 July 2022, the SPO submitted a revised indictment, F00011/A01. A public redacted version was notified on 18 November 2020, F00011/RED.

⁴ KSC-BC-2020-06, F00027/A01, Pre-Trial Judge, *Arrest Warrant for Hashim Thaçi*, 26 October 2020, strictly confidential and *ex parte*; a public redacted version was filed on 5 November 2020, F00027/A01/RED.

⁵ KSC-BC-2020-06, F00027/A03, Pre-Trial Judge, *Arrest Warrant for Kadri Veseli*, 26 October 2020, strictly confidential and *ex parte*; a public redacted version was filed on 5 November 2020, F00027/A03/RED.

⁶ KSC-BC-2020-06, F00027/A05, Pre-Trial Judge, *Arrest Warrant for Rexhep Selimi*, 26 October 2020, strictly confidential and *ex parte*; a public redacted version was filed on 5 November 2020, F00027/A05/RED.

⁷ KSC-BC-2020-06, F00027/A07, Pre-Trial Judge, *Arrest Warrant for Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte*; a corrected version was filed on 28 October 2020, F00027/A07/COR, and a public redacted version was filed on 5 November 2020, F00027/A07/COR/RED.

⁸ KSC-BC-2020-06, F00027/A02, Pre-Trial Judge, *Order for Transfer to Detention Facilities of the Specialist Chambers*, 26 October 2020, strictly confidential and *ex parte*; a public redacted version was filed on 5 November 2020, F00027/A02/RED (for Mr Thaçi). F00027/A04, Pre-Trial Judge, *Order for Transfer to Detention Facilities of the Specialist Chambers*, 26 October 2020, strictly confidential and *ex parte*; a public redacted version was filed on 5 November 2020, F00027/A04/RED (for Mr Veseli). F00027/A06, Pre-Trial Judge, *Order for Transfer to Detention Facilities of the Specialist Chambers*, 26 October 2020, strictly confidential and *ex parte*; a public redacted version was filed on 5 November 2020, F00027/A06/RED (for Mr Selimi). F00027/A08, Pre-Trial Judge, *Order for Transfer to Detention Facilities*

2. On 9-11 November 2020, following their transfer to the SC,⁹ the initial appearances were held for Mr Krasniqi,¹⁰ Mr Thaçi¹¹, Mr Veseli,¹² and Mr Selimi.¹³ During their initial appearances, the Accused stated that they understand and speak Albanian.¹⁴

3. On 3 September 2021, the SPO submitted an amended indictment to be confirmed by the Pre-Trial Judge (“Amended Indictment”).¹⁵

4. On 22 April 2022, after having ordered¹⁶ the Parties to file and having received their responses (“Defence Responses”)¹⁷ and reply (“SPO Reply”)¹⁸ on the

of the Specialist Chambers, 26 October 2020, strictly confidential and *ex parte*; a corrected version was filed on 28 October 2020, F00027/A08/COR, and public redacted version was filed on 5 November 2020, F00027/A08/COR/RED (for Mr Krasniqi).

⁹ KSC-BC-2020-06, F00048, Registrar, *Notification of Reception of Jakup Krasniqi in the Detention Facilities of the Specialist Chambers*, 4 November 2020, public, with Annex 1, public. F00053, Registrar, *Notification of Reception of Hashim Thaçi in the Detention Facilities of the Specialist Chambers and Appointment of Counsel*, 5 November 2020, public, with Annex 1, public and Annex 2, confidential. F00054, Registrar, *Notification of Reception of Kadri Veseli in the Detention Facilities of the Specialist Chambers and Appointment of Counsel*, 5 November 2020, public, with Annex 1, public and Annex 2, confidential. F00055, Registrar, *Notification of Reception of Rexhep Selimi in the Detention Facilities of the Specialist Chambers*, 5 November 2020, public, with Annex 1, public.

¹⁰ KSC-BC-2020-06, F00052, Pre-Trial Judge, *Decision Setting the Date for the Initial Appearance and Related Matters*, 5 November 2020, public, para. 20(a). See also Transcript, Hearing of 9 November 2020, public, p. 1.

¹¹ KSC-BC-2020-06, F00057, Pre-Trial Judge, *Decision Setting the Date for the Initial Appearance and Related Matters*, 6 November 2020, public, para. 20(a). See also Transcript, Hearing of 9 November 2020, public, p. 25.

¹² KSC-BC-2020-06, F00060, Pre-Trial Judge, *Decision Setting the Date for the Initial Appearance and Related Matters*, 6 November 2020, public, para. 20(a). See also Transcript, Hearing of 10 November 2020, public, p. 56.

¹³ KSC-BC-2020-06, F00061, Pre-Trial Judge, *Decision Setting the Date for the Initial Appearance and Related Matters*, 6 November 2020, public, para. 20(a). See also Transcript, Hearing of 11 November 2020, public, p. 76.

¹⁴ KSC-BC-2020-06, Transcript, 9 November 2020, p. 4, line 22 to p. 5, line 9; and p. 29, lines 12-22; Transcript, 10 November 2020, p. 59, lines 18-25; Transcript, 11 November 2020, p. 79, line 17 to p. 80, line 4.

¹⁵ KSC-BC-2020-06, F00455, Specialist Prosecutor, *Submission of Corrected Indictment and Request to Amend Pursuant to Rule 90(1)(b)*, 3 September 2021, strictly confidential and *ex parte*, with Annexes 1-5, strictly confidential and *ex parte*. Confidential redacted and public redacted versions were filed on 8 September 2021, F00455/CONF/RED and F00455/RED, respectively.

¹⁶ KSC-BC-2020-06, F00635, Pre-Trial Judge, *Decision Concerning Submission of Corrected Indictment and Request to Amend Pursuant to Rule 90(1)(b)*, 23 December 2021, confidential, paras 48, 53(d), (e). A public redacted version was filed on 15 February 2022, F00635/RED.

¹⁷ KSC-BC-2020-06, F00666, Specialist Counsel, *Thaçi Defence Motion on Whether There is a Well Grounded Suspicion in Relation to the SPO's Request to Amend the Indictment*, 31 January 2022,

supporting material to the amendments deemed to constitute new charges support a finding of well-grounded suspicion pursuant to Rule 86(4) of the Rules, the Pre-Trial Judge confirmed the Amended Indictment (“Amendment Decision”).¹⁹

5. On 29 April 2022, the SPO submitted a public redacted amended Indictment and related documents.²⁰

II. APPLICABLE LAW

6. Pursuant to Article 39(4) of the Law, a person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the SC (if not already detained), *inter alia*, be immediately informed of the charges against him or her.

7. Pursuant to Article 39(5) of the Law, at the initial hearing, the Pre-Trial Judge shall read the indictment, satisfy him or herself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea.

8. Pursuant to Rules 90(3) of the Rules, if the amended indictment includes new charges, and the accused has already appeared before a Panel in accordance with Rule 92 of the Rules, a further appearance shall be held as soon as practicable.

confidential; F00668, Specialist Counsel, *Veseli Defence Submissions on the Supporting Material Submitted by the SPO in Respect of the First Category and Second Category of Amendments to the Indictment*, 31 January 2022, confidential; F00669, Specialist Counsel, *Krasniqi Defence Submissions Pursuant to Decision KSC-BC-2020-06/F00635*, 31 January 2022, confidential.

¹⁸ KSC-BC-2020-06, F00680, Specialist Prosecutor, *Prosecution Reply Regarding Request to Amend Pursuant to Rule 90(1)(b)*, 4 February 2022, confidential.

¹⁹ KSC-BC-2020-06, F00777, Pre-Trial Judge, *Decision on the Confirmation of Amendments to the Indictment*, 22 April 2022, strictly confidential and *ex parte*, para. 185(a) and (b). A confidential redacted version was filed on the same day, F000777/RED.

²⁰ KSC-BC-2020-06, F00789, Specialist Prosecutor, *Submission of Amended Indictment and Related Documents*, 29 April 2022, public, with Annex 1, strictly confidential and *ex parte*, Annexes 2-4, confidential and Annexes 5-7, public.

III. DISCUSSION

9. Considering that the Amended Indictment was confirmed against the Accused, and noting that they are already in detention, the Pre-Trial Judge finds it appropriate to schedule separate hearings on the further appearances of the Accused on Tuesday, 10 May 2022, as follows:

Mr Thaçi: 10 May 2022 at 10:00-10:45

Mr Veseli: 10 May 2022 at 11:15-12:00

Mr Krasniqi: 10 May 2022 at 14:00-14:45

Mr Selimi: 10 May 2022 at 15:15-16:00

10. Victims' Counsel is invited to attend each of the hearings on the further appearances of the Accused, if he so wishes.²¹

11. Should Counsel and/or any of the Accused wish to appear via video link, the Pre-Trial Judge authorises Counsel and/or the Accused to do so. Any request to attend the further appearances via video link shall be made directly to the Registrar, in accordance with the Registrar's Practice Direction on Video Links (KSC-BD/23/COR), sufficiently in advance for the Registrar to take the appropriate steps, including to inform the Pre-Trial Judge.²² As per usual practice, the Accused are also directed to submit a waiver, in case they wish to attend the further appearances via video link.

12. Lastly, in light of the SPO's recent submission of the public redacted Amended Indictment and related documents, and with a view to preparing swiftly the public redacted version of the Amendment Decision, the Defence and the SPO are ordered

²¹ KSC-BC-2020-06, F00257, Pre-Trial Judge, *First Decision on Victims' Participation*, 21 April 2021, confidential. A public redacted version was filed on the same day, F00257/RED.

²² See also KSC-BC-2020-06, F00062, Pre-Trial Judge, *Decision Authorising Video Link Participation*, 6 November 2020, public, para. 10; F00069, Pre-Trial Judge, *Decision Authorising Video Link Participation*, 9 November 2020, public, para. 9.

to file public redacted versions of the Defence Responses (F00666, F00668 and F00669) and SPO Reply (F00680) by Friday, 6 May 2022, at 12:00.

IV. DISPOSITION

13. For the above-mentioned reasons, the Pre-Trial Judge hereby:

- a) **DECIDES** to convene the hearings on the further appearances of the Accused on **Tuesday, 10 May 2022**, as specified in paragraph 9 above;
- b) **AUTHORISES** Counsel and/or the Accused to appear via video link if they make a request to the Registrar in accordance with paragraph 11 as soon as practicable;
- c) **ORDERS** the Registrar to take immediate steps to set up the video link connection in coordination with Counsel, as relevant; and
- d) **ORDERS** the Parties to file public redacted versions of the Defence Responses (F00666, F00668 and F00669) and SPO Reply (F00680) by **Friday, 6 May 2022, at 12:00**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Monday, 2 May 2022
At The Hague, the Netherlands.