



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: 15 December 2022

Language: English

Classification: Public

Decision Transmitting the Case File to Trial Panel II

Trial Panel II

Judge Charles Smith, III

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor (reserve)

Acting Specialist Prosecutor

Alex Whiting

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

THE PRE-TRIAL JUDGE,¹ pursuant to Rule 98(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby issues this decision.

I. PROCEDURAL BACKGROUND

1. On 30 October 2020, further to a decision by the Pre-Trial Judge (“Confirmation Decision”),² the Specialist Prosecutor’s Office (“SPO”) submitted a confirmed indictment against Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi (collectively the “Accused”).³

2. On 4 and 5 November 2020, the Accused were arrested, pursuant to arrest warrants issued by the Pre-Trial Judge.⁴ On the same days, the Accused were

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 confidential redacted version was filed on 19 November 2020, F00026/CONF/RED. A public redacted version was filed on 30 November 2020, F00026/RED.

³ KSC-BC-2020-06, F00034, Specialist Prosecutor, *Submission of Confirmed Indictment and Related Requests*, 30 October 2020, confidential, with Annex 1, strictly confidential and *ex parte*, and Annexes 2-3, confidential. A further corrected confirmed indictment, correcting certain clerical errors, was submitted on 4 November 2020, strictly confidential and *ex parte* (F00045/A01), with confidential redacted (F00045/A02), and public redacted (F00045/A03) versions. A lesser confidential redacted version was submitted on 11 December 2020 (F00134). A further corrected confirmed indictment was submitted on 3 September 2021, strictly confidential and *ex parte* (F00455/A01), with confidential redacted (F00455/CONF/RED/A01) and public redacted (F00455/RED/A01) versions. A confidential further lesser redacted version of the confirmed indictment was filed on 17 January 2022, F00647/A01. A confirmed amended indictment was filed on 29 April 2022, strictly confidential and *ex parte* (F00789/A01), with confidential redacted (F00789/A02) and public redacted (F00789/A05) versions. A further amended confirmed amended indictment was filed on 30 September 2022, strictly confidential and *ex parte* (F00999/A01), with confidential redacted (F00999/A02) and public redacted (F00999/A03) versions.

⁴ KSC-BC-2020-06, F00027, Pre-Trial Judge, *Decision on Request for Arrest Warrants and Transfer Orders*, 26 October 2020, confidential. A public redacted version was issued on 26 November 2020, F00027/RED; F00027/A01, Pre-Trial Judge, *Arrest Warrant for Hashim Thaçi*, 26 October 2020, strictly confidential and *ex parte*. A public redacted version was issued on 5 November 2020, F00027/A01/RED; F00027/A03, Pre-Trial Judge, *Arrest Warrant for Kadri Veseli*, 26 October 2020, strictly

transferred to the Detention Facilities of the Specialist Chambers in The Hague, the Netherlands.⁵

3. On 4 November 2022, the Pre-Trial Judge informed the Parties and Victims' Counsel that the transmission of the case file to the Trial Panel is anticipated to take place before the end of the year.⁶

4. On 30 November 2022, the Pre-Trial Judge notified the President of the Specialist Chambers ("President") that a complete case file would be ready for transmission on Thursday, 15 December 2022.⁷

5. On 30 November 2022, the President assigned the case to Trial Panel II, composed of Judges Charles Smith III, Christoph Barthe, Guénaél Mettraux and Fergal Gaynor (reserve).⁸

confidential and *ex parte*. A public redacted version was issued on 5 November 2020, F00027/A03/RED; F00027/A05, *Arrest Warrant for Rexhep Selimi*, 26 October 2020, strictly confidential and *ex parte*. A public redacted version was issued on 5 November 2020, F00027/A05/RED; F00027/A07/COR, *Corrected Version of Arrest Warrant for Jakup Krasniqi*, 28 October 2020, strictly confidential and *ex parte*. A public redacted version was issued on 5 November 2020, F00027/A07/COR/RED; F00044, Registrar, *Notification of Arrest of Jakup Krasniqi Pursuant to Rule 55(4)*, 4 November 2020, public; F00049, Registrar, *Notification of Arrest of Rexhep Selimi Pursuant to Rule 55(4)*, 5 November 2020, public; F00050, Registrar, *Notification of Arrest of Kadri Veseli Pursuant to Rule 55(4)*, 5 November 2020, public; F00051, Registrar, *Notification of Arrest of Hashim Thaçi Pursuant to Rule 55(4)*, 5 November 2020, public.

⁵ KSC-BC-2020-06, F00048, Registrar, *Notification of Reception of Jakup Krasniqi in the Detention Facilities of the Specialist Chambers*, 4 November 2020, public, para. 2, with one Annex, 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, para. 2, 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, para. 2, 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, para. 2, with one Annex, public.

⁶ KSC-BC-2020-06, Transcript of Hearing, 4 November 2022, public, p. 1587, lines 22 to 24.

⁷ KSC-BC-2020-06, F01131, Pre-Trial Judge, *Notification Pursuant to Rule 98(3) of the Rules of Procedure and Evidence*, 30 November 2022, public, para. 4.

⁸ KSC-BC-2020-06, F01132, President, *Decision Assigning Trial Panel II*, 30 November 2022, public.

II. APPLICABLE LAW

6. Pursuant to Rule 98(1) of the Rules, after receiving the SPO and the Defence respective Pre-Trial Briefs, lists of witnesses and lists of exhibits, as stipulated in Rule 95(4) and (5) of the Rules, the Pre-Trial Judge shall transmit to the Trial Panel a complete case file consisting of:

- (a) The indictment as confirmed;
- (b) All filings and material submitted through the electronic court management system;
- (c) Any evidentiary material received not subject to paragraph (1)(b);
- (d) Any other correspondence with respect to the case not filed with the Court Management Unit;
- (e) A Handover Document summarising:
 - (i). the arguments of the Parties and, where applicable, Victims' Counsel on the facts and the applicable law;
 - (ii). the points of agreement;
 - (iii). a list of the orders and decisions rendered by the Pre-Trial Judge;
 - (iv). the evidentiary material produced by each Party;
 - (v). suggestions as to the number and relevance of the witnesses to be called;
 - (vi). the questions of fact and law that are in dispute;
 - (vii). the state of advancement of the disclosure process;
 - (viii). all meetings with the Parties; and
 - (ix). any other matter that remained unresolved;

- (f) Any application and decision concerning disclosure; and
- (g) Any other material relevant to the case.

7. Pursuant to Rule 98(2) of the Rules, the transmission of the case file shall be completed by means of electronic access.

III. DISCUSSION

8. The Pre-Trial Judge finds that all necessary procedural steps have been taken in order to consider case file KSC-BC-2020-06 complete and, therefore, ready to be transmitted to Trial Panel II, in accordance with Rule 98 of the Rules.

9. In particular, the Pre-Trial Judge has prepared a Handover Document (Annex 1), with accompanying Annexes 2 to 4, containing the information prescribed by Rule 98(1)(e) of the Rules, for the benefit of the Trial Panel, the Parties and Victims' Counsel. The Pre-Trial Judge specifies that, due to the non-public information contained in the Handover Document, it cannot be made public at this stage. The Handover Document is annexed to this decision.

IV. DISPOSITION

10. For the above-mentioned reasons, the Pre-Trial Judge hereby **TRANSMITS** case file KSC-BC-2020-06 to Trial Panel II, including the Handover Document annexed to the present decision.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Thursday, 15 December 2022

At The Hague, the Netherlands.