



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-06  
**Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi**

**Before:** Trial Panel II  
Judge Charles L. Smith, III, Presiding  
Judge Christoph Barthe  
Judge Guénaël Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Acting Specialist Prosecutor

**Date:** 8 February 2023

**Language:** English

**Classification:** Public

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**Prosecution response to THAÇI motion to narrow the charges in the Indictment**

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## I. INTRODUCTION

1. The Motion<sup>1</sup> seeks relief that has no legal basis and lacks adequate justification. THAÇI attempts to turn the proceedings on their head by belatedly challenging the confirmation of charges and prematurely introducing a no case to answer submission. The Pre-Trial Judge has confirmed the present Indictment, including in relation to the existence of an armed conflict between 20 June 1999 and 16 September 1999. All preliminary motions, including challenges to the Indictment, have been decided. THAÇI now presents a confused combination of inapplicable legal provisions and ICTY jurisprudence in order to re-litigate settled ground. The Motion is no more than a transparent attempt to circumvent the legal framework of the Specialist Chambers ('SC') and should be summarily dismissed.

## II. SUBMISSIONS

### A. RULE 130(3) DOES NOT APPLY TO THE CURRENT STAGE OF PROCEEDINGS

2. As a requisite preliminary step, THAÇI urges the Trial Panel to find, under Rule 130(3),<sup>2</sup> that the SPO's evidence is incapable of proving beyond reasonable doubt that an armed conflict existed after 20 June 1999.<sup>3</sup> By doing so, THAÇI attempts to hijack Rule 130(3) to a stage of the trial to which that Rule plainly does not apply, as is evident from a contextual reading of the provision.

3. Rule 130 is situated within 'Section II: Case Presentation' and is preceded by several provisions that track the chronological sequence of the trial proceeding,

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<sup>1</sup> Thaçi Defence Motion to Narrow Charges in the Indictment Pursuant to Rules 116, 117 and 118, KSC-BC-2020-06/F01242, 1 February 2023 ('Motion'). *See also* Selimi Defence Joinder to Thaçi Defence Motion to Narrow Charges in the Indictment pursuant to Rules 116, 117 and 188 [sic], dated 1 February 2023, KSC-BC-2020-06/F01244, 1 February 2023; Transcript (Trial Preparation Conference), 18 January 2023, pp.1845-1850.

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

<sup>3</sup> Motion, KSC-BC-2020-06/F01242, paras 14, 15.

including the opening of the case,<sup>4</sup> opening statements,<sup>5</sup> presentation of evidence,<sup>6</sup> and closing of the Specialist Prosecutor's Case.<sup>7</sup> The clear legislative intent is that Rule 130 is engaged after the completion of these procedural milestones.<sup>8</sup>

4. Moreover, the context within which subsection 3 of Rule 130 is nestled further cements the certainty that Rule 130(3) cannot apply to the current stage of proceedings. The rule states in full:

- (1) Immediately after the closing of the Specialist Prosecutor's case, the Defence shall notify the Panel of its intention to file a motion to dismiss any or all of the charges in the Indictment.
- (2) Such motion shall be submitted within ten (10) days of the closing of the Specialist Prosecutor's case. The Specialist Prosecutor may file a response within ten (10) days of the motion. The Defence is not entitled to reply. The Panel may hear oral arguments from the Parties and, where applicable, Victims' Counsel, which it may limit to a particular charge or charges.
- (3) Having heard the Parties and, where applicable, Victims' Counsel, the Panel may dismiss some or all charges therein by oral decision, if there is no evidence capable of supporting a conviction beyond reasonable doubt on the particular charge in question.
- (4) The Specialist Prosecutor may as of right appeal a decision dismissing the indictment or any charge thereof pursuant to Rule 170. 2The Defence shall not have a right to appeal a decision rejecting a request for the dismissal of the indictment.

5. Thus, Rule 130 sets out an inter-related set of procedural steps applicable 'immediately after the closing of the Specialist Prosecutor's case'. THAÇI seeks to remove subsection (3) from its proper environment and transplant it to the current stage of the proceedings, which is antithetical to careful, purposive, and consistent application of the law.

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<sup>4</sup> Rule 124.

<sup>5</sup> Rule 126.

<sup>6</sup> Rule 127.

<sup>7</sup> Rule 129.

<sup>8</sup> *Prosecutor v. Salih Mustafa*, Decision on the Defence Rule 130(1) motion to dismiss any or all charges of the Indictment, KSC-BC-2020-05/F00326, 23 February 2022, confidential, para.9; *Prosecutor v. Hysni Gucati and Nasim Haradinaj*, Decision on the Defence Motions to Dismiss Charges, KSC-BC-2020-07/F00450, 26 November 2021, para.17.

6. A plain reading of Rule 130(3) further illustrates its inapplicability in the current stage of proceedings: at present, the Panel cannot assess whether there is ‘no evidence capable of supporting a conviction’ because no evidence has even been admitted in the trial. In this regard, THAÇI’s selective and incomplete<sup>9</sup> references to certain evidence cited in the Pre-Trial Brief ignore the purpose and scope of that document, which constitutes a *summary* of the evidence the SPO intends to present regarding the commission of the alleged crimes and the alleged modes of liability.<sup>10</sup> It is not intended to be – and indeed, by its very nature and timing<sup>11</sup> – cannot be exhaustive.<sup>12</sup>

7. The SC’s legal framework tasks the Pre-Trial Judge with assessing the sufficiency of evidence to support the charges in the Indictment.<sup>13</sup> Rules 86(7) and 97<sup>14</sup> explicitly limit challenges to this decision to questions of jurisdiction, formal defects, or severance. Previous Defence attempts to challenge the Pre-Trial Judge’s factual findings concerning the temporal scope of the armed conflict, including in summer

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<sup>9</sup> THAÇI refers to paragraphs 698-699 of the Pre-Trial Brief (*see* Motion, KSC-BC-2020-06/F01242, para.4, fn.8). Not only do these paragraphs specifically indicate that the evidence cited therein is not intended to be exhaustive, for example, by use of ‘*e.g.*’, a summary of evidence (with citations to additional evidence) relevant to the continuation of the armed conflict between June and September 1999 is also set out in, *inter alia*, Sections II-III (*see, for example*, Corrected Version of Prosecution Pre-Trial Brief, KSC-BC-2020-06/F00709/A01, 24 February 2022, Strictly Confidential and *Ex Parte* (‘Pre-Trial Brief’), paras 68-69, 88, 122-125, 151-155, 165-166, 201, 215-218, 239, 256-259, 264-266, 568-696).

<sup>10</sup> Rule 95(4)(a).

<sup>11</sup> The Pre-Trial Brief is filed at the pre-trial stage before the SPO tenders any evidence or calls any witnesses. In this case, the Pre-Trial Brief also pre-dated final decisions on preliminary motions and decisions on certain requests to amend the Indictment and witness and exhibit lists. *See, for example*, Submission of Pre-Trial Brief, with witness and exhibit lists, KSC-BC-2020-06/F00631, 17 December 2021, Confidential (‘Pre-Trial Brief Submission’), para.3.

<sup>12</sup> Pre-Trial Brief Submission, KSC-BC-2020-06/F00631, para.2 (noting that the Pre-Trial Brief constitutes a summary of the evidence the SPO intends to present to prove its case, and the evidence cited therein is not exhaustive).

<sup>13</sup> Rule 86; Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office, 3 August 2015 (‘Law’), Article 39(2). All references to ‘Article’ or ‘Articles’ herein refer to the Law, unless otherwise specified.

<sup>14</sup> *See also* Articles 39(1) and 45(2).

1999, were rejected.<sup>15</sup> THAÇI's attempt to by-pass this regime and re-litigate these matters before trial should be rejected.

8. Since insufficiency of evidence is the only justification THAÇI even attempts to substantiate, the remainder of the Request is necessarily predicated on a finding under Rule 130(3). Consequently, the Motion fails at this preliminary step and should be dismissed.

#### B. THE MOTION HAS NO LEGAL BASIS

9. The provisions THAÇI identifies as a legal basis for the Motion do not provide for the relief sought.<sup>16</sup> Article 40(2) and Rule 116(1) and (4) are trial management provisions mandating in general terms, *inter alia*, the fair and expeditious conduct of proceedings. In support of the proposition that the Panel's general powers to manage the trial enable it to narrow the temporal scope of the Indictment, THAÇI cites a two-page decision from an ICTY Trial Chamber in August 2000, concerning severance of a trial.<sup>17</sup> In contrast to the current Motion, the request for severance in *Sikirica* was at least substantiated with relevant precedent from national jurisdictions.<sup>18</sup> Moreover, severance of trial concerns the organisation of case presentation and therefore fits more easily within a trial panel's powers to manage proceedings than the relief requested in the Motion.<sup>19</sup> Crucially, severance – in appropriate circumstances and

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<sup>15</sup> Decision on Defence Motions Alleging Defects in the Form of the Indictment, KSC-BC-2020-06/F00413, 22 July 2021, Confidential, paras 45-49. No Defence team sought leave to appeal this part of the decision, *see* Decision on Defence Applications for Leave to Appeal the Decision on Defence Motions Alleging Defects in the Form of the Indictment, KSC-BC-2020-06/F00534, 18 October 2021. *See also Specialist Prosecutor v. Gucati and Hardinaj*, Decision on the Defence Appeals Against Decision on Preliminary Motions, KSC-BC-2020-07/IA004/F00007, 23 June 2021, para.23 (finding that challenges to the evidentiary basis of the confirmed charges fall outside the scope of permissible preliminary motions).

<sup>16</sup> Motion, KSC-BC-2020-06/F01242, paras 6-7.

<sup>17</sup> Motion, KSC-BC-2020-06/F01242, para.10, fn.10, citing ICTY, *Prosecutor v. Sikirica, Dosen and Kolundzija*, IT-95-8-PT, Decision on Kolundzija Defence Motion for Severance of Counts And/Or Bifurcation of Trial, 2 August 2000.

<sup>18</sup> ICTY, *Prosecutor v. Sikirica, Dosen and Kolundzija*, IT-95-8-PT, Decision on Kolundzija Defence Motion for Severance of Counts And/Or Bifurcation of Trial, 2 August 2000, p.2.

<sup>19</sup> *See* Rule 89: Joinder or Severance of Indictments. *See also* ICTY, IT-04-80-AR73.1, *Prosecutor v. Tolimir et. al.*, Decision on Radivoje Miletić's interlocutory appeal against the Trial Chamber's decision on

when the relevant requirements are met – does not prevent the prosecution from presenting its case in full.<sup>20</sup>

10. THAČI then cites several ICTY decisions in support of the claim that the Trial Panel may compel the Specialist Prosecutor to limit the temporal and/or geographic scope of the Indictment,<sup>21</sup> but fails to acknowledge that the ICTY Rules have a specific provision conferring this power in ICTY Rule 73bis. The complete absence of this power in the SC's Rules dissolves any persuasive force which the cited authorities may have otherwise had.<sup>22</sup>

11. Furthermore, all of the ICTY decisions cited in the Motion applied ICTY Rule 73bis(D),<sup>23</sup> which would not deliver the relief sought in the Motion. The Rule enables ICTY trial chambers to:

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joinder of accused, 27 January 2006, paras 4-5; ICTY, *Prosecutor v. Solobodan Milosević*, IT-99-37-AR73, IT-01-50-AR73, IT-01-51-AR73, Reasons for decision on prosecution interlocutory appeal from refusal to order joinder, 18 April 2002, para.26.

<sup>20</sup> See generally regarding the prosecution's right to fairly present its case: ICTY, *Prosecutor v. Prlić et. al.*, IT-04-74-AR73.4, Decision on prosecution appeal concerning the Trial Chamber's ruling reducing time for the prosecution case, 6 February 2007, paras 14-16.

<sup>21</sup> Motion, KSC-BC-2020-06/F01242, para.11, fn.11, citing ICTY, *Prosecutor v. Gotovina*, IT-06-90-PT, Order Pursuant to Rule 73 Bis (D) to Reduce the Indictment, 21 February 2007; ICTY, *Prosecutor v. Perišić*, IT-04-81-T, Decision on Application of Rule 73 bis and Amendment of Indictment, 15 May 2007; ICTY, *Prosecutor v Dragomir Milošević*, IT-98-29/1-PT, Decision on Amendment of the Indictment and Application of Rule 73 bis (D), 12 December 2006; ICTY, *Prosecutor v Stanišić & Simatović*, IT-03-69-PT, Decision Pursuant to Rule 73 bis (D), 4 February 2008.

<sup>22</sup> Indeed, a comparison of the SC's Rule 118(1) and the ICTY's Rule 73bis recommends the inference that the drafters of the SC's Rules, while modelling Rule 118(1) on Rule 73bis, chose not to include the more invasive powers granted to ICTY trial chambers. Arguably, this would in any event have been inconsistent with the SC's overall statutory regime, which envisions an independent Specialist Prosecutor who presents the prosecution case within a framework of party-driven, adversarial proceedings. See, for example, Articles 24(2), 35; Decision on Thaçi Defence Motion Regarding the Preservation of Evidence, KSC-BC-2020-06/F01250, 2 February 2023, para.19. See also Transcript (Trial Preparation Conference), 18 January 2023, pp.1812 (noting that the Panel would only take measures under Rule 118 in relation to witnesses, charges, crime sites, and related matters if the Panel considers the SPO is not using court time efficiently), 1818.

<sup>23</sup> ICTY, *Prosecutor v. Gotovina*, IT-06-90-PT, Order Pursuant to Rule 73 Bis (D) to Reduce the Indictment, 21 February 2007; ICTY, *Prosecutor v. Perišić*, IT-04-81-T, Decision on Application of Rule 73 bis and Amendment of Indictment, 15 May 2007; ICTY, *Prosecutor v Dragomir Milošević*, IT-98-29/1-PT, Decision on Amendment of the Indictment and Application of Rule 73 bis (D), 12 December 2006; ICTY, *Prosecutor v Stanišić & Simatović*, IT-03-69-PT, Decision Pursuant to Rule 73 bis (D), 4 February 2008.

...fix a number of crime sites or incidents comprised in one or more of the charges in respect of which evidence may be presented by the Prosecutor which [...] are reasonably representative of the crimes charged (emphasis added).

12. The equivalent to this provision in the SC's Rules is Rule 118(1)(c), which THAČI does not rely on, and which does not give the Trial Panel the coercive powers included under ICTY Rule 73bis(D).<sup>24</sup> An understandable reason for neglecting to refer to Rule 118(1)(c), in addition to the absence of coercive powers, is that its focus is on whether the remaining crime sites or incidents are reasonably representative of the crimes charged.<sup>25</sup> The 'narrowing' of the charges proposed in the Motion would have the consequence of removing all crime sites and incidents after 20 June 1999. Such a drastic measure would fail to be representative as required by both Rule 118(1)(c)<sup>26</sup> and ICTY Rule 73bis(D), and would violate the victims' rights to justice.<sup>27</sup> Indeed, in the *Perišić* decision cited in the Motion, the Trial Chamber rejected a prosecution proposal not to present evidence in respect of an entire crime site because that would leave those victims unrepresented:

Furthermore, the elimination of evidence on an entire crime site (Zagreb) in a country (Croatia) not otherwise represented in the Amended Indictment does not fulfil the requirement of Rule 73bis(D) that the remaining crime sites or incidents be reasonably representative of the crimes charged. In particular, a consequence of removing the Zagreb counts would be that the victims of the alleged crimes committed in Zagreb are no longer represented in this case.

13. None of the cited authorities interfered in the temporal scope of the indictment or otherwise constrained the Prosecution's ability to prove its case. Indeed, it is

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<sup>24</sup> Rule 118(1)(c) provides that the Panel may 'invite' the SPO to determine a number of crime sites or victims which are reasonably representative of the crimes charged. It does not provide that the Chamber itself 'may fix' such a number of sites or victims, as is provided in ICTY Rule 73bis(D).

<sup>25</sup> See ICTY, *Prosecutor v. Perišić*, IT-04-81-T, Decision on Application of Rule 73 bis and Amendment of Indictment, 15 May 2007, para.11; ICTY, *Prosecutor v. Dragomir Milošević*, IT-98-29/1-PT, Decision on Amendment of the Indictment and Application of Rule 73 bis (D), 12 December 2006, paras 26, 35-37.

<sup>26</sup> Rule 118(1)(c) identifies several relevant factors including the crimes charged, their classification, scale and nature, the places where they have allegedly been committed, and the victims of the crimes.

<sup>27</sup> See e.g. SCSL, *Prosecutor v. Alieu Kondewa*, SCSL-2004-14-AR72(G), Decision on lack of jurisdiction / abuse of process amnesty provided by the Lomé Accord (Separate opinion of Justice Robertson), 25 May 2004, paras 40-51; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, United Nations General Assembly, 21 March 2006, A/RES/60/147.

established jurisprudence that the equality of arms principle applies equally to the prosecution, which is entitled to a fair chance to present its case.<sup>28</sup>

14. In contrast to the above decisions, THAÇI requests the Trial Panel's intervention on the basis of insufficiency of evidence. As discussed above, neither the Law nor the Rules provide any mechanism for reviewing the sufficiency of evidence at the current stage of proceedings. While THAÇI refers to Rule 118(1)(b), he appears to concede, correctly, that this provision only authorises the Panel to *invite* the Specialist Prosecutor to reduce or narrow the number of charges in the Indictment.<sup>29</sup> Even if Rule 118(1)(b) authorised the Trial Panel to order the SPO to narrow the charges in the Indictment, doing so on the basis of unsubstantiated arguments concerning the insufficiency of evidence – before such evidence has been tendered or admitted or witnesses heard – would be a misuse of that provision.

15. Therefore, the Motion should be summarily dismissed as lacking any legal basis.

#### C. THE MOTION RESTS ON A MISAPPLICATION OF PRECEDENT

16. Contrary to THAÇI's claims,<sup>30</sup> the Trial Panel is not bound by factual findings of other judicial bodies adjudicating different issues on the basis of different evidence,<sup>31</sup> let alone the opinions of an ICTY Prosecutor expressed to a political body more than twenty years ago.

17. Although THAÇI misleadingly refers to the 'conclusions of the ICTY',<sup>32</sup> the existence of an armed conflict after 20 June 1999 has not been an issue in dispute in any trial at the ICTY. As a result, the only substantiation THAÇI brings to the table

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<sup>28</sup> ICTY, *Prosecutor v. Prlić et. al.*, IT-04-74-AR73.4, Decision on prosecution appeal concerning the Trial Chamber's ruling reducing time for the prosecution case, 6 February 2007, paras 14-16.

<sup>29</sup> Motion, KSC-BC-2020-06/F01242, paras 2, 8.

<sup>30</sup> Motion, KSC-BC-2020-06/F01242, paras 12-19. *See also* Transcript (Trial Preparation Conference), 18 January 2023, pp.1845-1850.

<sup>31</sup> ICTY, *Prosecutor v. Radovan Karadžić*, IT-95-5/18-AR98bis.1, Judgment (Appeal), 11 July 2013, para.94.

<sup>32</sup> Motion, KSC-BC-2020-06/F01242, para.12.



are two press releases, dated 29 September 1999 and 24 November 2000, respectively.<sup>33</sup> On 29 September 1999, the then- ICTY Prosecutor Carla Del Ponte gave no opinions about the existence of an armed conflict from June to September 1999, and even noted that '[i]t is difficult to prejudge the matter of jurisdiction'.<sup>34</sup> Further, the 24 November 2000 address should be considered in context, as it concerned 'on-going crimes in Kosovo' at that time, namely, in 2000.<sup>35</sup>

18. Furthermore, as even THAÇI briefly acknowledges,<sup>36</sup> no finding on the existence of an armed conflict after 20 June 1999 could affect the Indictment period in this case, because the period after 20 June 1999 also relates to six counts of crimes against humanity, which would be unaffected. To address this problem, THAÇI cites to findings of ICTY Trial Chambers in *Limaj* and *Haradinaj* about the existence of a widespread or systematic attack. However, neither case concerned allegations during the period relevant to the present Motion and both were based on the distinct facts, evidence, charges, and issues presented in those cases, which therefore have little to no relevance here.<sup>37</sup>

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<sup>33</sup> Motion, KSC-BC-2020-06/F01242, para.13.

<sup>34</sup> ICTY, Press release, 'Statement by Carla Del Ponte Prosecutor of the International Criminal Tribunal for the Former Yugoslavia on the investigation and Prosecution of crimes committed in Kosovo', 29 September 1999, para.5 (also noting that the Prosecutor would continue to examine the factual and legal basis that may link offences to the armed conflict in Kosovo), available at: <https://www.icty.org/en/press/statement-carla-del-ponte-prosecutor-international-criminal-tribunal-former-yugoslavia>.

<sup>35</sup> ICTY, Press release, 'Address to the Security council by Carla Del Ponte, Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, to the UN Security council', 24 November 2000 (*inter alia*, informing the Security Council that her office had 'received a number of passionate pleas to investigate allegations of continuing ethnic cleansing against the remaining Serb and Roma population' and in that context, pleading for Article 5 of the ICTY Statute to be amended to remove the jurisdictional requirement of an armed conflict for crimes against humanity, so that these on-going crimes could be investigated), available at: <https://www.icty.org/en/press/address-security-council-carla-del-ponte-prosecutor-international-criminal-tribunals-former>

<sup>36</sup> Motion, KSC-BC-2020-06/F01242, para.16. *See also* Transcript (Trial Preparation Conference), 18 January 2023, p.1849 (Thaçi defence counsel acknowledging that 'obviously, the crimes against humanity counts, if you were to find that there was a widespread or systematic attack that continued into September, then those counts would stay regardless of the existence of an armed conflict').

<sup>37</sup> *See also* Transcript (Trial Preparation Conference), 18 January 2023, pp.1857-1862.

19. Moreover, by labelling the findings made in those cases ‘precedents’, THAÇI misapprehends the nature of precedent.<sup>38</sup> Courts developed adherence to precedent to promote consistency and predictability in the interpretation of the law. A finding of whether the evidence adduced at trial proves the elements of a particular charge beyond reasonable doubt has never been subject to precedent, for good reason.<sup>39</sup> The determination of factual issues is not a mathematical exercise. Two or more trial panels may reach different conclusions – even on the same or substantially similar evidence – because of the myriad ways in which individual pieces of evidence may be weighed and assessed.

20. In any event, as mentioned above, any such analysis is premature at the current stage of proceedings, where no evidence has been admitted or witnesses heard in the trial.<sup>40</sup>

#### D. THE REMAINDER OF THE MOTION IS UNSUBSTANTIATED

21. Finally, for the reasons set out above, THAÇI’s additional request to the Trial Panel to reduce the temporal and/or geographic scope of the Indictment as it deems necessary to protect the Accused’s right to an expeditious trial<sup>41</sup> is wholly unsubstantiated and should be summarily dismissed.

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<sup>38</sup> Motion, KSC-BC-2020-06/F01242, paras 18-19.

<sup>39</sup> ICTY, *Prosecutor v. Radovan Karadžić*, IT-95-5/18-AR98bis.1, Judgment (Appeal), 11 July 2013, para.94. See also ICTY, *Prosecutor v. Gotovina et. al.*, IT-06-90-AR72.1, Decision on Ante Gotovina’s interlocutory appeal against decision on several motions challenging jurisdiction, 6 June 2007, paras 20-21.

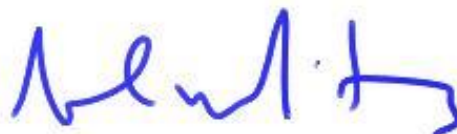
<sup>40</sup> ICTY, *Prosecutor v. Gotovina et. al.*, IT-06-90-AR72.1, Decision on Ante Gotovina’s interlocutory appeal against decision on several motions challenging jurisdiction, 6 June 2007, para.21.

<sup>41</sup> Motion, KSC-BC-2020-06/F01242, para.20.

III. RELIEF REQUESTED

22. For the foregoing reasons, the Trial Panel should reject the Motion in its entirety.

**Word count: 3479**



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**Alex Whiting**

**Acting Specialist Prosecutor**

Wednesday, 8 February 2023

At The Hague, the Netherlands.