

Kosovo Specialist Chambers - Basic Court  
Initial Appearance (Open Session)

1 Wednesday, 11 November 2020

2 [Initial Appearance]

3 [Open session]

4 [The accused Selimi entered court]

5 --- Upon commencing at 11.00 a.m.

6 JUDGE GUILLOU: Good morning and welcome everyone in and outside  
7 the courtroom.

8 Before we start, pursuant to my decision setting the date for  
9 this Initial Appearance, the photographers are permitted to take a  
10 few photos for one and a half minutes. And like I did yesterday and  
11 the day before, I will ask you not to take pictures of the accused  
12 with the security guard in the same picture, so if you can focus on  
13 the accused only for the pictures of him. Please proceed. Thank  
14 you.

15 Thank you very much.

16 Mr. Court Officer, could you please call the case.

17 THE COURT OFFICER: Good morning, Your Honours. This is case  
18 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci, Kadri  
19 Veseli, Rexhep Selimi, and Jakup Krasniqi.

20 JUDGE GUILLOU: Thank you, Mr. Court Officer.

21 Before asking those present in the courtroom to introduce  
22 themselves, I would like to remind everyone of a few rules that must  
23 be observed at all times in order to make courtroom proceedings  
24 smooth.

25 Please make sure you activate your microphone before speaking

1 and you switch it off as soon as you finish.

2 Talk slowly and clearly, as we have interpretation from and into  
3 Albanian and Serbian.

4 Wait five seconds before responding to me or a party or  
5 participant in order to allow the interpreters to finish the  
6 interpretation.

7 What is said in this hearing is transcribed in realtime and will  
8 be reflected in a transcript available to the parties and to the  
9 public after the hearing.

10 I would like to remind the parties that certain information in  
11 this case is subject to protective measures and confidentiality  
12 orders. This includes confidential information that has been  
13 redacted from the Confirmed Indictment as to the identity of certain  
14 individuals, dates, locations, and other information.

15 Confidential information must not be disclosed in open session.  
16 If any party or participant must go into private session and refer to  
17 any confidential information, please indicate the reasons.

18 Now I would kindly ask the parties and participants to introduce  
19 themselves, starting with the Specialist Prosecutor's Office.

20 Mr. Prosecutor.

21 MR. TIEGER: Good morning, Your Honour. Appearing on behalf of  
22 the Specialist Prosecutor's Office this morning are the Deputy  
23 Specialist Prosecutor, Alex Whiting; Head of the Legal Advisory Unit,  
24 Clare Lawson; Prosecutor, David Harbach; and I am Senior Prosecutor,  
25 Alan Tieger.

1 JUDGE GUILLOU: Thank you, Mr. Prosecutor.

2 Now I turn to the Defence.

3 MR. KAARLS: Good morning, Your Honour. On behalf of the  
4 Defence is appearing Robert Kaarls. The lead counsel will be  
5 appointed, that will be David Young. But due to corona measures at  
6 this moment, he will not be able at this moment to be present. But  
7 he will probably arrive from the UK next week.

8 JUDGE GUILLOU: Thank you very much.

9 I note also that Mr. Selimi is also present in the courtroom,  
10 for the record.

11 Now I turn to Madam Registrar, please.

12 THE REGISTRAR: Good morning, Your Honour. Registrar,  
13 Fidelma Donlon.

14 JUDGE GUILLOU: Thank you, Madam Registrar.

15 And for the record, I am Nicolas Guillou, Pre-Trial Judge for  
16 this case.

17 The accused is appearing today for the first time before the  
18 Specialist Chambers following the indictment confirmed against him.

19 Mr. Selimi, would you please rise. Could you please tell us  
20 your full name.

21 THE ACCUSED SELIMI: [Interpretation] I am Rexhep Selimi, born 15  
22 March 1971.

23 JUDGE GUILLOU: What is your place of birth and what is your  
24 citizenship?

25 THE ACCUSED SELIMI: [Interpretation] I was born in Acareve,

1 Skenderaj municipality, in Kosovo.

2 JUDGE GUILLOU: And you have the Kosovo citizenship?

3 THE ACCUSED SELIMI: [Interpretation] Yes, I have Kosovan  
4 citizenship.

5 JUDGE GUILLOU: Thank you. You may be seated, Mr. Selimi.

6 Let me now move to the procedural history of the case.

7 On 26 October 2020, in my capacity as Pre-Trial Judge, I  
8 confirmed the indictment submitted by the Specialist Prosecutor  
9 against the accused, charging him with six counts of crimes against  
10 humanity, namely, persecution, imprisonment, other inhumane acts,  
11 torture, murder, and enforced disappearance of persons; and charging  
12 him with four counts of war crimes, namely, arbitrary detention,  
13 cruel treatment, torture, and murder.

14 The accused was arrested in Kosovo on 5 November 2020. He was  
15 transferred to the detention facility of the Kosovo Specialist  
16 Chambers in The Hague on the same day.

17 Mr. Selimi, before we proceed any further, I have to make sure  
18 that you can follow the proceedings in a language that you can  
19 understand and speak. Can you confirm that you understand and speak  
20 Albanian?

21 THE ACCUSED SELIMI: [Interpretation] Yes, I speak and understand  
22 Albanian very well.

23 JUDGE GUILLOU: Thank you, Mr. Selimi. By this, I am satisfied  
24 that you can follow the proceedings in Albanian, a language that you  
25 understand and speak, in accordance with Rule 92 of the Rules of

1 Procedure and Evidence.

2 Mr. Selimi, if at any moment in the course of the proceedings  
3 you are not receiving interpretation, please draw my attention to it  
4 immediately.

5 Now, allow me to explain the specific purpose of the Initial  
6 Appearance for the benefit of the accused and those joining us in the  
7 public gallery and following the proceedings online.

8 Today's hearing is not a trial. No evidence will be presented  
9 or debated, and the guilt or innocence of the accused will not be  
10 discussed or decided. The purpose of this Initial Appearance is  
11 regulated by Article 39 of the Law and Rule 92 of the Rules.

12 According to these provisions, as Pre-Trial Judge:

13 I shall have the charges in the Confirmed Indictment read to the  
14 accused in a language he understands and speaks;

15 Confirm that the accused understands the indictment;

16 Satisfy myself that the rights of the accused, in particular his  
17 right to counsel, are respected;

18 Inform the accused that within 30 days of today's hearing he  
19 will be called upon to admit guilt or plead not guilty on each charge  
20 set out in the indictment. If the accused wishes to do so, he may  
21 immediately admit guilt or plead not guilty;

22 And finally, I shall also set all the dates, as appropriate, in  
23 performing my functions as Pre-Trial Judge. I expect the parties to  
24 adhere to these matters, which I will address in turn. Should either  
25 party wish to discuss any other matter not expressly foreseen in the

1 context of the Initial Appearance, they are invited to do so in  
2 writing by making a filing before me.

3 First, may I ask you, Mr. Selimi, to confirm that you have  
4 received the Confirmed Indictment dated 4 November 2020 in a language  
5 you understand and speak?

6 THE ACCUSED SELIMI: [Interpretation] Yes, I confirm that I  
7 received the indictment in the Albanian language, in a redacted form,  
8 as you know. Thank you.

9 JUDGE GUILLOU: Thank you, Mr. Selimi.

10 I will now ask Mr. Court Officer to read out the charges in the  
11 Confirmed Indictment as foreseen in Article 39 of the Law and  
12 Rule 92.

13 Mr. Court Officer.

14 THE COURT OFFICER: 1. In the Confirmed Indictment, the  
15 Specialist Prosecutor charges Mr. Rexhep Selimi with:

16 Count 1: the crime against humanity of persecution, punishable  
17 under Article 13(1)(h) of the Law;

18 Count 2: the crime against humanity of imprisonment, punishable  
19 under Article 13(1)(e) of the Law;

20 Count 3: the war crime of arbitrary detention, punishable under  
21 Article 14(1)(c) of the Law;

22 Count 4: the crime against humanity of other inhumane acts,  
23 punishable under Article 13(1)(j) of the Law;

24 Count 5: the war crime of cruel treatment, punishable under  
25 Article 14(1)(c)(i) of the Law;

1 Count 6: the crime against humanity of torture, punishable  
2 under Article 13(1)(f) of the Law;

3 Count 7: the war crime of torture, punishable under Article  
4 14(1)(c)(i) of the Law;

5 Count 8: the crime against humanity of murder, punishable under  
6 Article 13(1)(a) of the Law;

7 Count 9: the war crime of murder, punishable under Article  
8 14(1)(c)(i) of the Law; and

9 Count 10: the crime against humanity of enforced disappearance  
10 of persons, punishable under Article 13(1)(i) of the Law.

11 2. These crimes were committed between approximately April 1998  
12 and August 1999 at a number of locations in Kosovo and northern  
13 Albania, including:

14 a. Bare, Bajgore, Llapashtice, Majac, Potok, and other  
15 locations in Podujeve municipality; in Drenoc and other locations in  
16 Rahovec municipality; Berisha, Llapushnik and other locations in  
17 Drenoc municipality; Ferizaj and other locations in Ferizaj  
18 municipality; Gjilan in Gjilan municipality; Jabllanice in Gjakove  
19 municipality; locations in Kacanik municipality; Klecke and other  
20 locations in Lipjan municipality; Likoc and other locations in  
21 Skenderaj municipality; Malisheve and other locations in Malisheve  
22 municipality; Volljake Cave in Kline municipality; Novoberde in  
23 Novoberde municipality; Zllash and other locations in Prishtine  
24 municipality; Prizren and other locations in Prizren municipality;  
25 Suhareke and other locations in Suhareke municipality; and locations

1 in Viti municipality.

2 b. And Cahan and Kukes, in northern Albania.

3 3. The crimes under Counts 1, 2, 4, 6, 8, and 10 were committed  
4 as part of a widespread or systematic attack directed against the  
5 civilian population in Kosovo and northern Albania from at least  
6 March 1998 through September 1999. In particular, these crimes  
7 targeted "Opponents," who were perceived to have been: (i)  
8 collaborating or associating with the Federal Republic of Yugoslavia  
9 ("FRY") forces, or officials or state institutions; or (ii) otherwise  
10 not supporting the aims or means of the Kosovo Liberation Army  
11 ("KLA") and later the Provisional Government of Kosovo, including  
12 persons associated with the Democratic League of Kosovo, and persons  
13 of Serb, Roma, and other ethnicities.

14 4. The crimes under Counts 3, 5, 7, and 9 were committed  
15 against persons not taking active part in the hostilities, and in the  
16 context of and associated with a non-international armed conflict in  
17 Kosovo between the KLA and forces of the FRY and the Republic of  
18 Serbia, including units of the Yugoslav Army, police, and other units  
19 of the Ministry of Internal Affairs, and other groups fighting on  
20 behalf of the FRY and Serbia from at least March 1998 to  
21 approximately 16 September 1999.

22 5. In relation to these crimes, there is a well-grounded  
23 suspicion that Mr. Selimi is criminally responsible, pursuant to  
24 Article 16(1) (a) of the Law for:

25 a. Committing, as a member of a joint criminal enterprise, the

1 crimes committed under Counts 1 to 10, or alternatively, committing,  
2 as a member of the aforementioned joint criminal enterprise, the  
3 crimes under Counts 1 to 10 by being aware that such crimes might be  
4 perpendicularly in carrying out the common purpose of the joint  
5 criminal enterprise and by willingly taking that risk; and/or

6 b. Aiding and abetting the crimes under Counts 1 to 10.

7 6. In addition and in the alternative, there is well-grounded  
8 suspicion that Mr. Selimi is criminally responsible, pursuant to  
9 Article 16(1)(c) of the Law, as a superior, for the crimes under  
10 Counts 1 to 10.

11 JUDGE GUILLOU: Thank you, Mr. Court Officer.

12 Mr. Selimi, I wish to remind you that this is not the time to  
13 contest the charges but simply to acknowledge that you understand the  
14 charges. You will have ample opportunity to challenge the charges  
15 with the assistance of your counsel.

16 Mr. Selimi, did you understand the charges contained in the  
17 Confirmed Indictment as read out to you by Mr. Court Officer?  
18 Counsel?

19 MR. KAARLS: Mr. Selimi would like, indeed, to provide an answer  
20 to your question but, furthermore, would like to address the Court  
21 with a short statement.

22 JUDGE GUILLOU: Then as long as it is short and related to the  
23 case, you can.

24 You have the floor, Mr. Selimi.

25 THE ACCUSED SELIMI: [Interpretation] Thank you, Your Honour.

1 I know that this is not the time or place to speak about the  
2 legitimacy of this Court, because I know that this Court was  
3 established by the Parliament of Kosovo. I would like to emphasise  
4 also that I, as a Member of Parliament, opposed the establishment of  
5 this Court, not as an expression of justice but on the contrary. We  
6 wanted that justice be done by the institutions of Kosovo in Kosovo.

7 Allow me to remind you, Your Honour, that after Kosovo declared  
8 its independence, Serbia took Kosovo to court, to the International  
9 Criminal Court, that this independence was illegal. The  
10 International Criminal Court decided in favour of Kosovo. But only  
11 after a few months --

12 THE INTERPRETER: International Court of Justice, excuse me, the  
13 International Court of Justice.

14 THE ACCUSED SELIMI: [Interpretation] -- the Serbian authorities  
15 decided to issue a document against the legitimate independence of  
16 Kosovo. So we do not think that a court should be established on the  
17 basis of what Serbia has decided.

18 Now we are at this point where this Court is a fact. I am here  
19 not as a Member of Parliament who opposed the creation of this Court  
20 but as a member of the KLA and as one of the founding members of the  
21 KLA, facing charges made by the Prosecution and confirmed by you,  
22 Your Honour.

23 Your Honour and Mr. Prosecutor, our roles here are separate. We  
24 are different parties. But please believe that our aim, the aim of  
25 all of us here, is to establish justice and the truth. I saw the

1 indictment raised by the Prosecution. It's a very serious  
2 indictment, and it is very unjust. It is inaccurate and unjust  
3 towards me, and it is unjust towards the fight and the war waged by  
4 my people, and it was supported by you.

5 But this process will show that we were an oppressed people that  
6 fought for freedom. Our people's fight was just. We fought for  
7 liberation and our war was clean and just. And the fight will  
8 continue after this process, because anyone that has any suspicions  
9 about that, any doubts about that, will be convinced that we, the  
10 Kosovo Liberation Army and myself, have nothing to do with any  
11 criminal enterprise, as this indictment states.

12 I fought against Serbia. I fought against the Serbian occupier,  
13 against Serbia that only brought evil to my country - murder,  
14 displacements, humiliation, and genocide. That's what Serbia did in  
15 Kosovo.

16 So that is why I say that I did my duty as a citizen of my  
17 country. I am only a person who fought for liberation. I started  
18 the fight for freedom with Adem Jashari, and we completed our fight  
19 with General Clarke, with NATO.

20 It is my duty and my honour to be here on the side of the Kosovo  
21 Liberation Army, our army, and our people. This is my duty and I  
22 will carry that responsibility. We have to establish the truth.  
23 Everybody here has to establish the truth: the Prosecution, you,  
24 Your Honour, this Court. And this will be my aim, my primary aim, in  
25 these proceedings. Thank you.

1 JUDGE GUILLOU: Thank you very much, Mr. Selimi.

2 Let me just reiterate my question. Can you confirm that you  
3 understand the charges in the Confirmed Indictment? And I'm not  
4 saying that you agree with them, of course. I'm saying can you just  
5 confirm that you understand them?

6 THE ACCUSED SELIMI: [Interpretation] Your Honour, yes, I read  
7 them, and I understood everything that was written in the indictment.

8 JUDGE GUILLOU: Thank you very much.

9 Now let me inform you of your rights before this Court. The Law  
10 on the Specialist Chambers and the Rules of Procedure and Evidence  
11 guarantee you a number of rights. I will read out the most important  
12 ones.

13 First, you shall be presumed innocent until proven guilty beyond  
14 reasonable doubt;

15 In the determination of the charges against you, you are  
16 entitled to a fair and public hearing subject to any measures ordered  
17 for the protection of victims and witnesses;

18 You have the right to be informed promptly and in detail in a  
19 language which you understand of the nature and cause of the charges  
20 against you;

21 You have the right to have adequate time and facilities for the  
22 preparation of your Defence and to communicate with the counsel of  
23 your own choosing;

24 You have the right to be tried within a reasonable time;

25 You have the right to be tried in your presence and to defend

1     yourself through your counsel;

2             You have the right to have counsel assigned to you and without  
3     payment if you do not have sufficient means to pay for it;

4             You have the right to examine or have examined the witnesses  
5     against you and to obtain the attendance and examination of witnesses  
6     on your behalf;

7             You have the right to have the free assistance of an interpreter  
8     if you cannot understand or speak the language used in the Court;

9             You have the right not to be compelled to testify against  
10    yourself or to admit guilt;

11            You have the right to remain silent and no adverse inference  
12    shall be drawn from your silence;

13            You also have the right to make unsworn statements relevant to  
14    the case, and you may appear as a witness under oath;

15            You have the right to lodge preliminary motions to challenge the  
16    jurisdiction of the Specialist Chambers, to allege defects in the  
17    form of the indictment, and to seek the severance of indictment;

18            You have the right to receive, within 30 days of today's  
19    hearing, the supporting material to the indictment submitted for  
20    confirmation;

21            You have the right to receive all statements of witnesses whom  
22    the Specialist Prosecutor intends to call to testify at trial in the  
23    language you understand and speak, namely, Albanian;

24            You have the right to receive immediately any information  
25    which may reasonably suggest your innocence or mitigate your guilt or

1 affect the credibility or reliability of the Specialist Prosecutor's  
2 evidence as soon as the information is in his custody, control, or  
3 actual knowledge;

4 You have the right that all material and relevant evidence of  
5 facts in possession of the Specialist Prosecutor be made available to  
6 you before the beginning and during the proceedings. This right is  
7 only subject to restrictions which are strictly necessary and when  
8 any counter-balancing protections are applied;

9 You have the right not to be detained for an unreasonable period  
10 prior to the opening of the case, to request review of decisions on  
11 your detention, and to appeal such decisions directly before the  
12 Court of Appeal;

13 You have the right to appeal directly before the Court of Appeal  
14 a decision on preliminary motions challenging the jurisdiction of the  
15 Specialist Chambers;

16 You have the right to seek leave to appeal other decisions.

17 Mr. Selimi, you heard the most important rights that you enjoy  
18 in accordance with the applicable legal framework of the Specialist  
19 Chambers. Do you understand these rights?

20 THE ACCUSED SELIMI: [Interpretation] I confirm that I heard all  
21 the rights. Yes, thank you.

22 JUDGE GUILLOU: Thank you very much.

23 I wish to inform you that, according to Article 21(5) of the  
24 Law, you may not represent yourself because you are currently in  
25 detention. Representation by Specialist Counsel is therefore

1 mandatory.

2 It is my duty, as Pre-Trial Judge, to ensure that your right to  
3 counsel is respected. To this end, I have noted the Registrar's  
4 filing informing me of the assignment of Duty Counsel for the purpose  
5 of this Initial Appearance, and I have also noted what your counsel,  
6 Mr. Kaarls, has mentioned today, the fact that you intend to have a  
7 counsel appointed by the Registrar.

8 Counsel, would you like to add anything in this matter?

9 MR. KAARLS: Yes, thanks.

10 Yes, it will be no surprise, after all, so -- what you heard,  
11 the statement of my client, that we will submit a request for interim  
12 release in due course. I will not do that today but in due course.

13 And, yes, well, I want to stress on this specific topic that,  
14 yes, that detention, or an arrest then, shall only be ordered when  
15 there are solid grounds, and that's to believe that there is a risk  
16 of flight. Very important in this respect.

17 I want to stress and we all know my client provided cooperation  
18 before. Also what he said at this moment, and the way about his  
19 arrest, he was last week, he was contacted by the Prosecutor's Office  
20 and he surrendered himself.

21 So these are solid, specific indications that there is no risk  
22 or no reasonable risk of flight.

23 Furthermore, my client, wants to say whatever he thinks about  
24 these allegations, about this procedure, about this Court. There are  
25 no indications, whatever we know up to now - and that's important -

1 that my client, that Mr. Selimi, that he will probably influence  
2 witnesses or destroy evidence or whatsoever. One of the many  
3 important -- because, yes, there will be submissions done -- they  
4 will be provided to the Court. You will see that in due course when  
5 documents will be disclosed.

6 But, as far as we know, there is really no reason to believe  
7 whatsoever that Mr. Selimi - that is what I would like to underline -  
8 not what other people may have done or will do or whatever, that he  
9 will influence witnesses or tamper with evidence whatsoever.

10 And, therefore, what Mr. Selimi also stressed, indeed, he will  
11 fully cooperate with this Court and provide all answers, as needed,  
12 just to -- that is what -- yes, what I have to stress at this moment.

13 JUDGE GUILLOU: Thank you very much, Mr. Kaarls.

14 May I just ask you to link with your client in the following  
15 hours or days to submit all relevant requests to Madam Registrar  
16 regarding the appointment of counsel, as you mentioned.

17 MR. KAARLS: Yes.

18 JUDGE GUILLOU: And I also request the Registrar to make a  
19 filing in the case record informing me of any relevant decision in  
20 this regard.

21 I will now turn to the possibility for the accused to enter a  
22 plea, if any, in accordance with Rule 92.

23 Mr. Selimi, within 30 days from today, you will be called upon  
24 to admit guilt or plead not guilty on each charge in the Confirmed  
25 Indictment. If you wish to do so, you may choose to immediately

1 admit guilt or plead not guilty.

2 I would, therefore, like to ask you, Mr. Selimi, if you have had  
3 the opportunity to discuss the charges in the Confirmed Indictment  
4 with your counsel, and if you are prepared to enter a plea at this  
5 time. If this is the case, I invite you to stand up while you plead.

6 THE ACCUSED SELIMI: [Interpretation] Yes, Your Honour. I had  
7 sufficient time to look at the indictment together with my counsel,  
8 to analyse it, to understand it, and allow me to say here that I feel  
9 not guilty in relation to all the charges in the indictment.

10 JUDGE GUILLOU: Thank you, Mr. Selimi. I will just ask you, for  
11 clarification. It might be a translation issue. Can you confirm  
12 that you plead not guilty on all counts? Because the translation I  
13 got was "I feel not guilty," and for procedural reasons, I need to  
14 have a very clear sentence from you. Thank you.

15 THE ACCUSED SELIMI: [Interpretation] I usually declare what I  
16 feel, but I will repeat it for the proceedings. I plead not guilty  
17 to all the charges in the indictment.

18 JUDGE GUILLOU: Thank you, Mr. Selimi. That's very clear.

19 Now let me move to the working language of the proceedings.

20 In the Scheduling Order for this Initial Appearance, I asked the  
21 parties to make submissions on the working language to be used in the  
22 present case, according to Rule 8.

23 Mr. Prosecutor, I know you've already made submissions on this  
24 three times. I will ask you to do it again for the benefit of the  
25 Defence. Thank you.

1 MR. TIEGER: Yes, thank you, Your Honour. It continues to be  
2 our position that the working language should be English.

3 JUDGE GUILLOU: Thank you, Mr. Prosecutor.

4 Mr. Kaarls?

5 MR. KAARLS: Well, it's the same request from the Defence, that  
6 the working language will be English.

7 JUDGE GUILLOU: Thank you very much.

8 I will issue an order in due course on this matter.

9 As indicated in the order regarding this Initial Appearance, I  
10 will schedule a Status Conference, pursuant to Rule 96, to be held  
11 shortly after the Initial Appearances of all the accused. The  
12 purpose will be to review the status of the case and to organise  
13 exchanges between the parties to ensure expeditious preparation for  
14 trial.

15 Mr. Selimi, I wish to remind you that you have the right to  
16 attend the Status Conference with your counsel. However, with your  
17 written consent and after receiving advice from your counsel,  
18 pursuant to Rule 96(2), the Status Conference may be attended by you  
19 in person with your counsel participating via video-conference link,  
20 by your counsel with you, Mr. Selimi, participating via  
21 video-conference link, or it may also take place in your absence with  
22 your counsel participating via video-conference link or present in  
23 the courtroom.

24 I would now like to ask the parties for their views on a  
25 suitable date for the Status Conference to be held on or after

1 Wednesday, 18 November.

2 And I will also ask the Defence, if possible, to indicate  
3 whether you or the appointed counsel, if you already know, would  
4 participate in person or via video-conference.

5 Mr. Prosecutor.

6 MR. TIEGER: Again, Your Honour, as the Court is aware, we are  
7 available at the Court's convenience, and a date on or after the 18th  
8 is suitable.

9 JUDGE GUILLOU: Thank you, Mr. Prosecutor.

10 Mr. Kaarls?

11 MR. KAARLS: Thanks. Also the Defence will be available at the  
12 Court's convenience. However, we request you to put a date as late  
13 as possible in this month, during this month, because also Mr. David  
14 Young, he would like, indeed, to be present himself. But, yes, the  
15 Prosecutor's Office had a long time to prepare this. We are just  
16 entering this case. So if possible -- and I know we have issues with  
17 time limits for the -- where we have to deal with for disclosure.  
18 But if possible, at the end of the month. Thank you.

19 JUDGE GUILLOU: Thank you, Mr. Kaarls.

20 As you rightly pointed out, I have to strike the right balance  
21 between giving enough time to the Defence to be present and at the  
22 same time not delaying the disclosure process, because this is for  
23 the benefit of all the Defence teams.

24 You will receive a Scheduling Order that will include the agenda  
25 in due course. I will also ask the parties for written submissions

1 on the topics of the Status Conference. I intend to schedule the  
2 date for written submissions of the SPO on Friday, November 13; and  
3 for the Defence, on Tuesday, November 17.

4 And after the Status Conference, I will issue a decision on the  
5 Specialist Prosecutor's disclosure obligations in accordance with  
6 Rule 102 and on the redaction regime for the proceedings.

7 At this point, I would like to ask the parties whether they have  
8 other issues that they would like to raise. I remind the parties to  
9 give prior notice should any submission require the disclosure of  
10 confidential information so that appropriate measures may be taken.

11 And, Mr. Prosecutor, you also have the floor if you want to say  
12 a few words about the submissions of the Defence a couple of minutes  
13 ago.

14 Mr. Prosecutor.

15 MR. TIEGER: That's much appreciated, Your Honour.

16 We will, of course, respond in detail to any submissions by the  
17 Defence on that issue, focusing on the determining factors for  
18 detention and provisional release, including the array of  
19 determiners, ranging from the severity of the charges, the nature of  
20 the charges, and so on. So we will be pleased to respond in detail.

21 Apart from that - and I appreciate the opportunity - we have  
22 nothing further.

23 JUDGE GUILLOU: Thank you, Mr. Prosecutor.

24 Mr. Kaarls.

25 MR. KAARLS: Your Honour, at this moment, Your Honour, also

1 nothing further. We will submit submissions in due course. Thanks.

2 JUDGE GUILLOU: Thank you, counsel.

3 I would now like to ask the accused whether he has any issue he  
4 would like to raise regarding his arrest, transfer, or detention.

5 Mr. Selimi.

6 THE ACCUSED SELIMI: [Interpretation] No, I have nothing in  
7 particular to add. I totally understand the rules that have to be  
8 applied for me to come to this court of law. Therefore, I abide to  
9 them, and I have nothing else to add.

10 JUDGE GUILLOU: Thank you, Mr. Selimi.

11 Finally, I inform you that I will issue a decision ordering the  
12 Specialist Prosecutor and the Registrar to reclassify their filings  
13 and prepare redacted versions, as the case may be, so that the  
14 Defence has access to it as soon as possible.

15 Mr. Selimi, as you remain in detention, I would also like to  
16 inform you that you may challenge your detention on remand in  
17 accordance with Rule 57. And this will be dealt with in written  
18 rulings.

19 This concludes today's hearing. I thank the parties and the  
20 Registry for their attendance. I also wish to thank the  
21 interpreters, stenographers, audio-visual technicians, security  
22 personnel for their assistance.

23 The hearing is adjourned. Thank you.

24 --- Whereupon the Initial Appearance adjourned at 11.44 a.m.

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