

1 Friday, 18 December 2020

2 [Initial Appearance]

3 [Open session]

4 [The Accused Haradinaj entered court]

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

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

8 Madam Court Officer, can you please call the case.

9 THE COURT OFFICER: Good morning, Your Honour. This is
10 KSC-BC-2020-07, The Specialist Prosecutor versus Hysni Gucati and
11 Nasim Haradinaj.

12 JUDGE GUILLOU: Thank you, Madam Court Officer.

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

16 MS. BOLICI: Thank you, Your Honour. For the Specialist
17 Prosecutor's Office are present today the Specialist Prosecutor,
18 Jack Smith; Angel Langenberg, Case and Evidence Assistant;
19 Nathan Quick, Legal Officer; and I am Valeria Bolici, a Prosecutor
20 with the SPO.

21 JUDGE GUILLOU: Thank you, Madam Prosecutor.

22 Now I turn to the Defence, please.

23 MR. CADMAN: Good morning, Your Honour. Toby Cadman for
24 Mr. Haradinaj.

25 JUDGE GUILLOU: Thank you, Mr. Cadman. And I note that your

1 client, Mr. Haradinaj, is present in the courtroom for the record.

2 Now I turn to Madam Registrar.

3 THE REGISTRAR: [via videolink] Good morning, Your Honour.
4 Fidelma Donlon, Registrar.

5 JUDGE GUILLLOU: Thank you, Madam Registrar. And I note for the
6 record that you are on video-conference.

7 And I am Nicolas Guillou, Pre-Trial Judge for the case.

8 The accused is appearing today before the Specialist Chambers
9 following the indictment confirmed against him on 11 December.

10 Mr. Haradinaj, I already asked you to identify yourself during
11 your first appearance in September, so I will move straight to the
12 procedural history of the case.

13 On 24 September 2020, I issued an arrest warrant against the
14 suspect, having found grounded suspicion that Mr. Haradinaj is
15 criminally responsible for the following offences: Intimidation
16 during criminal proceedings; retaliation; and violation of the
17 secrecy of proceedings.

18 The suspect was arrested in Kosovo on 25 September 2020 and was
19 transferred to the detention facilities of the Kosovo Specialist
20 Chambers in The Hague on 26 September 2020.

21 On 11 December 2020, in my capacity as Pre-Trial Judge, I
22 confirmed the indictment submitted by the Specialist Prosecutor
23 against the accused, charging him with the crimes of:

24 Count 1: Obstructing official persons in performing official
25 duties, by serious threat;

Count 2: Obstructing official persons in performing official duties, by participating in the common action of a group;

Count 3: Intimidation during criminal proceedings;

Count 4: Retaliation;

Count 5: Violating secrecy of proceedings through unauthorised revelation of secret information disclosed in official proceedings;

And Count 6: Violating secrecy of proceedings through unauthorised revelation of the identities and personal data of protected witnesses.

The Confirmed Indictment was served to the accused on Monday, 14 December.

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

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

According to these provisions, as Pre-Trial Judge, I shall: Have the charges in the Confirmed Indictment read to the accused in a language he understands and speaks; confirm that the accused understands the indictment; satisfy myself that the rights of the accused, in particular his right to counsel, are respected; inform the accused that within 30 days of today's hearing he will be called upon to admit guilt or plead not guilty on each charge set out in the

1 indictment. If the accused wishes to do so, he may immediately admit
2 guilt or plead not guilty. And finally, I shall also set all dates,
3 as appropriate, in performing my functions as Pre-Trial Judge.

4 I expect the parties to adhere to these matters, which I will
5 address in turn. Should either party wish to discuss any other
6 matter not expressly foreseen in the context of the Initial
7 Appearance, they're invited to do so in writing by making a filing
8 before me.

9 First, Mr. Haradinaj, may I ask you to confirm that you received
10 the Confirmed Indictment dated 14 December 2020 in a language that
11 you understand and speak?

12 You may stand up, Mr. Haradinaj.

13 THE ACCUSED HARADINAJ: [Interpretation] Yes, I have signed a
14 document confirming that that was the indictment, but to tell you the
15 truth, I did not read it.

16 JUDGE GUILLOU: Thank you, Mr. Haradinaj. But you received the
17 indictment and it has been notified to you; is it correct?

18 THE ACCUSED HARADINAJ: [Interpretation] Yes, you received a
19 signed confirmation that I have received such a document.

20 JUDGE GUILLOU: Thank you, Mr. Haradinaj.

21 I will now ask Madam Court Officer to read out the charges in
22 the Confirmed Indictment as foreseen in Article 39 of the Law and
23 Rule 92.

24 Madam Court Officer.

25 THE COURT OFFICER: Thank you, Your Honour.

1 In the Confirmed Indictment, the Specialist Prosecutor charges
2 Mr. Nasim Haradinaj with:

3 Count 1: Obstructing official persons in performing official
4 duties, by serious threat, punishable under Article 401(1) and (5) of
5 the Kosovo Criminal Code and Article 15(2) of the Law;

6 Count 2: Obstructing official persons in performing official
7 duties, by participating in the common action of a group, punishable
8 under Article 401(2) to (3) and (5) of the Kosovo Criminal Code and
9 Article 15(2) of the Law;

10 Count 3: Intimidation during criminal proceedings, punishable
11 under Article 387 of the Kosovo Criminal Code and Article 15(2) of
12 the Law;

13 Count 4: Retaliation, punishable under Article 388(1) of the
14 Kosovo Criminal Code and Article 15(2) of the Law;

15 Count 5: Violating the secrecy of proceedings, through
16 unauthorised revelation of secret information disclosed in official
17 proceedings, punishable under Article 392(1) of the Kosovo Criminal
18 Code and Article 15(2) of the Law; and

19 Count 6: Violating the secrecy of proceedings, through
20 unauthorised revelation of the identities and personal data of
21 protected witnesses, punishable under Article 392(2) to (3) of the
22 Kosovo Criminal Code and Article 15(2) of the Law.

23 These offences were committed between at least 7 and 25
24 September 2020.

25 In relation to these offences, there is a well-grounded

1 suspicion that Mr. Nasim Haradinaj is criminally responsible,
2 pursuant to Article 16(3) of the Law for:

3 a. Committing the offences under Counts 1 to 6, pursuant to
4 Article 17 of the Kosovo Criminal Code;

5 b. Co-perpetrating, with Mr. Hysni Gucati and others, the
6 offences under Counts 1 and 3 to 6, pursuant to Article 31 of the
7 Kosovo Criminal Code;

8 c. Inciting the commission of offences under Counts 1 to 6,
9 pursuant to Article 32(1) of the Kosovo Criminal Code;

10 d. Inciting the offences under Counts 1 to 6, pursuant to
11 Article 32(2) of the Kosovo Criminal Code, and those offences were
12 attempted;

13 e. Inciting the offences under Counts 1 to 3 and 6, pursuant to
14 Article 32(3) of the Kosovo Criminal Code, and such offences were
15 neither committed, nor attempted;

16 f. Assisting in the commission of the offences under Counts 1
17 to 6, pursuant to Article 33 of the Kosovo Criminal Code;

18 g. Agreeing to commit with Mr. Hysni Gucati and others, the
19 offences under Counts 1 to 6, pursuant to Article 35 of the Kosovo
20 Criminal Code; and/or

21 h. Attempting to commit the offences under Counts 1 to 4 and 6,
22 pursuant to Article 28 of the Kosovo Criminal Code.

23 Thank you.

24 JUDGE GUILLOU: Thank you, Madam Court Officer.

25 Mr. Haradinaj, I wish to remind you that this is not the time to

1 contest the charges but simply to acknowledge your understanding of
2 the charges. You will have ample opportunity with your counsel to
3 challenge the charges.

4 Mr. Haradinaj, did you understand the charges contained in the
5 Confirmed Indictment as read out to you by Madam Court Officer?

6 THE ACCUSED HARADINAJ: [Interpretation] I understood them.

7 JUDGE GUILLOU: Thank you, Mr. Haradinaj.

8 Now let me inform you of your rights before this Court.

9 The Law of the Specialist Chambers and the Rules of Procedure
10 and Evidence guarantee you a number of rights. I will read out the
11 most important ones.

12 First, you shall be presumed innocent until proven guilty beyond
13 reasonable doubt. In the determination of the charges against you,
14 you are entitled to a fair and public hearing subject to any measures
15 ordered for the protection of victims and witnesses.

16 You have the right to be informed promptly and in detail in a
17 language which you understand of the nature and cause of the charges
18 against you.

19 You have the right to have adequate time and facilities for the
20 preparation of your defence and to communicate with the counsel of
21 your own choosing.

22 You have the right to be tried within a reasonable period of
23 time.

24 You have the right to be tried in your presence and to defend
25 yourself through your counsel.

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

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

6 You have the right to have the free assistance of an interpreter
7 if you cannot understand or speak the language used in the court.

8 You have the right not to be compelled to testify against
9 yourself or to admit guilt.

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

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

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

17 You have the right to receive within 30 days of today's hearing
18 the supporting material to the indictment submitted for confirmation.

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

22 You have the right to receive immediately any information which
23 may reasonably suggest your innocence or mitigate your guilt or
24 affect the credibility or reliability of the Specialist Prosecutor's
25 evidence as soon as the information is in his custody, control, or

1 actual knowledge.

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

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

11 You have the right to appeal directly before the Court of Appeal
12 a decision on preliminary motions challenging the jurisdiction of the
13 Specialist Chambers.

14 And you have the right to seek leave to appeal other decisions.

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

18 THE ACCUSED HARADINAJ: [Interpretation] Yes, I understand my
19 rights. They are clear.

20 JUDGE GUILLOU: Thank you, Mr. Haradinaj.

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

25 It is my duty as Pre-Trial Judge to ensure that your right to

1 counsel is respected. To this end, I have noted the Registrar's
2 filing informing me of the appointment of counsel. I take from the
3 Registrar's filing and from your counsel's submissions that you are
4 represented not only for the purpose of this Initial Appearance but
5 for the entire duration of the proceedings in accordance with Section
6 14 on the Directive on Counsel.

7 Mr. Haradinaj, can you confirm that Mr. Cadman has been
8 appointed for the entire duration of these proceedings?

9 THE ACCUSED HARADINAJ: [Interpretation] Yes.

10 JUDGE GUILLOU: Thank you, Mr. Haradinaj.

11 It follows that the accused is presently represented by counsel.

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

14 Mr. Haradinaj, within 30 days from today you will be called upon
15 to admit guilt or plead not guilty on each charge in the Confirmed
16 Indictment. If you wish to do so, you may choose to immediately
17 admit guilt or plead not guilty.

18 I would therefore like to ask you, Mr. Haradinaj, if you have
19 had the opportunity to discuss the charges in the Confirmed
20 Indictment with your counsel and if you are prepared to enter a plea
21 at this time. If it is the case, I invite you to stand up while you
22 plead.

23 But I see that your counsel wants to say something before, so I
24 will give the floor to Mr. Cadman before.

25 MR. CADMAN: Your Honour, only to say that I've been appointed

1 moments before coming into court. I have not had an opportunity to
2 go through the indictment with Mr. Haradinaj. I've literally had ten
3 minutes with him before coming into court.

4 Of course, we're going to need some time to go through the
5 indictment and the nature of the allegations. But I know
6 Mr. Haradinaj does want to address you in relation to that matter.

7 JUDGE GUILLOU: Thank you, Mr. Cadman.

8 Mr. Haradinaj, I come back to my question. You can either
9 decide to plead today or you can wait for the time limit of 30 days
10 from today to enter your plea.

11 You have the floor.

12 THE ACCUSED HARADINAJ: [Interpretation] Your Honour, before I
13 enter my plea, I want to say that for me and anybody who uses their
14 logic, this Prosecution office wants to divert the attention from
15 itself and blame somebody else, that is to say, on Kosovo. And what
16 we can see today is that Kosovo and its citizens are guilty.

17 We need to answer here why they had a leak of their secrets.
18 These documents came to our offices. These were not one or two
19 sheets of paper. These were thousands of pages. We, as the
20 organisation of war veterans, we did not have any access to these
21 documents. So instead of myself, their colleagues should have been
22 here, people from the Prosecution, maybe some of the people that are
23 here themselves.

24 And you don't need to expect anything from us, because our
25 attitude, our stand was always public, and we always expressed our

1 suspicions about the role of this Prosecution.

2 And I want to stress here, trying to divert the attention from
3 the persons who leaked these documents from the offices of this
4 Prosecution, who brought them to us, to Kosovo, and making us
5 responsible for their actions, this is not justice, because you know
6 my attitude toward these Chambers. It is absurd to blame us for the
7 mistakes and errors made by this Prosecution.

8 I am speaking here very frankly, Your Honour. In my opinion,
9 this Prosecution is selective, political, and biased. And with this
10 action -- with their actions, I am convinced that they are corrupt,
11 because otherwise how could all that material come out of their
12 offices?

13 I think that this Prosecution has two aims. First, they want to
14 stain the liberation war of Kosovo, and the second is that they are
15 trying to blame the veterans of this war; namely, the chair and the
16 vice-chair of this organisation, the organisation of war veterans,
17 which is an organisation that has been founded on the basis of the
18 laws of Kosovo, which is a sovereign republic which has been
19 recognised by hundreds of countries, even the countries that you come
20 from.

21 So I contest the jurisdiction of these Chambers and the mandate
22 of this Prosecution.

23 Thank you for your attention.

24 With regard to entering my plea, my lawyer will decide on it.

25 And this is what I will say now. I will not utter any other words in

1 these proceedings anymore. My lawyer will speak on my behalf. Thank
2 you.

3 JUDGE GUILLOU: Thank you, Mr. Haradinaj.

4 I take it from what you just said that you do not enter a plea
5 today.

6 Mr. Cadman, can you confirm that we understood correctly through
7 the translation?

8 MR. CADMAN: That is correct, Your Honour. A plea will be
9 entered on the next occasion once we've had an opportunity to go
10 through the material.

11 JUDGE GUILLOU: Thank you.

12 Considering that Mr. Haradinaj has not entered a plea at this
13 time, I would like to ask the parties on their preliminary views, if
14 any, on the scheduling of a further hearing to enter a plea, starting
15 with the Defence and then the Specialist Prosecutor's Office.

16 Mr. Cadman.

17 MR. CADMAN: Your Honour, I know that the date of 7 January was
18 considered. Having spoken to counsel for Mr. Gucati, he had asked
19 for 8 January. That's certainly convenient for us as well, so
20 certainly 8 January would be suitable for both counsel.

21 JUDGE GUILLOU: Thank you, Mr. Cadman.

22 Madam Prosecutor.

23 MS. BOLICI: Thank you, Your Honour. The Office of the
24 Prosecutor will be available for any further hearing on 7 January, as
25 suggested by the Pre-Trial Judge, or on 8th as well as requested by

1 the Defence, or on any other date that Your Honour would deem
2 appropriate.

3 JUDGE GUILLOU: Thank you, Madam Prosecutor.

4 A further hearing to enter a plea will be scheduled in due
5 course, but I note your availabilities.

6 Now let me move to the working language in the proceedings.

7 In the Scheduling Order for this Initial Appearance, I decided
8 that further to my previous decision as a Single Judge, the working
9 language for these proceedings will be English. I informed the
10 parties that all directions and instructions set out in the decision
11 of 29 October 2020 shall remain valid for the pre-trial proceedings.

12 At this point, I would like to ask the parties whether they have
13 other issues that they would like to raise. I remind the parties to
14 give prior notice should any submission require the disclosure of
15 confidential information so that appropriate measures can be taken.

16 Let's start with the Prosecution, and I will give you the floor
17 after.

18 MS. BOLICI: Nothing further for the Prosecution, Your Honour,
19 if not just one remark. The Prosecution notes that counsel for
20 Mr. Haradinaj also has represented other clients in proceedings
21 before the Specialist Chambers, and is mindful of the obligation of
22 the counsel, pursuant to Article 28 of the Code of Professional
23 Conduct.

24 JUDGE GUILLOU: Thank you, Madam Prosecutor.

25 Mr. Cadman.

1 MR. CADMAN: Thank you, Your Honour.

2 I'm grateful to my learned friend from the Prosecution pointing
3 out the obligations that I have. You will note in the communication
4 to the Registrar yesterday, I made it quite clear that I am aware of
5 my obligations. I've discussed that with Mr. Haradinaj. I have
6 discussed that with those other persons that I have represented in
7 the past. No conflict, actual or possible, exists. But, obviously,
8 that is a continual obligation that I will be mindful of.

9 The only other point that does need to be raised, Your Honour
10 had set today as a deadline for dealing with the question of
11 pre-trial detention. Mindful of the fact that, having only just been
12 appointed, I've not had an opportunity to consider the material in
13 the case, and previous counsel has not prepared an application in
14 respect of your order.

15 I did raise this with the Prosecutor before Your Honour came in
16 to request additional time to see whether there would be any
17 objection. I understand that Your Honour is to make a decision by 27
18 December, so any additional time would have to be limited. Certainly
19 we would request at least five days in order to put the necessary
20 application in writing.

21 JUDGE GUILLOU: Thank you, Mr. Cadman.

22 Regarding this issue, the former counsel for Mr. Haradinaj was
23 aware of today's deadline, and pursuant to Article 25 of The Code of
24 Conduct, it was his obligation to transfer the case to you. This
25 includes informing you of the ongoing deadlines so that there are no

1 disruption in delays for the representation of Mr. Haradinaj. For
2 the matter that you raise, the Law provides for a compulsory two
3 months' review of detention.

4 In the case of Mr. Haradinaj, such a review is due on December
5 27. The parties have been informed in advance to make submissions,
6 and I also wish to note that the Initial Appearance of Mr. Haradinaj
7 was scheduled earlier this week, and it is at the request of his
8 counsel that it has been postponed to today.

9 Unfortunately, because of the two months' deadline for the
10 review, I cannot grant your request because otherwise I will not have
11 time myself to issue a decision in due course. But, of course,
12 nothing prevents you at a later stage to file an application for
13 interim release provided that it is in line with the provisions of
14 Article 57(2) of the Rules, Mr. Cadman.

15 MR. CADMAN: With the greatest respect, Your Honour, the request
16 on the appointment was made yesterday. Arriving in the Netherlands
17 yesterday evening, the appointment still hadn't been made, and I was
18 informed before coming to court that the appointment had been made; I
19 just hadn't received the documentation.

20 Mr. Martens, previous Specialist Counsel, could not provide me
21 with any documentation until I had been officially appointed. That
22 is why it has not been handed over to me, and I still have not
23 received any documentation so far.

24 So I only have what's available on the KSC's web site to
25 download publicly available material. I've had ten minutes with

1 Mr. Haradinaj this morning. Obviously, we will be contesting his
2 continued detention, and he should be given an opportunity to make
3 that application in writing. He should not be prejudiced from that
4 due to any possible failure on the part of previous counsel or the
5 inability of previous counsel to forward whatever material had been
6 prepared to me as his new counsel.

7 He should be given a reasonable opportunity. If Your Honour
8 will not grant an additional five days, I would merely request
9 additional time, perhaps close of business on Monday, that would
10 enable me to make an application. That should not prejudice
11 Your Honour in making the decision by 27 December.

12 I'm in your hands.

13 JUDGE GUILLOU: Thank you, Mr. Cadman.

14 Madam Prosecutor, on this request?

15 MS. BOLICI: Your Honour, the Prosecutor notes that the
16 Pre-Trial Judge's order for submission, the review of detention, was
17 issued on 9 October and is a public filing, so it was well known that
18 the submissions were due by today.

19 In any event, the Prosecution will defer to the
20 Pre-Trial Judge's discretion in granting or not granting this
21 extension. Thank you.

22 JUDGE GUILLOU: Thank you, Madam Prosecutor.

23 Mr. Cadman, I'm really sorry, and I understand your frustration.
24 But in this case, I mean, the order for submissions was public, and
25 this was a duty of the counsel of Mr. Haradinaj to prepare the

1 submissions.

2 I understand that you've only been appointed yesterday -- or
3 today, or at least you basically started to -- you at least -- you
4 have contacted this institution yesterday on this issue. But then I
5 invite you to link with the previous counsel, because he was
6 responsible for these submissions for today.

7 The issue here is that I need to issue a decision, and I need to
8 be briefed, and I cannot wait for more.

9 So let me continue with a couple of procedural matters.

10 First, I inform you that I intend to schedule a Status
11 Conference pursuant to Rule 96 to be held on Thursday, January 7.
12 The 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. Haradinaj, I wish to remind you that you have the right to
16 attend this 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. Haradinaj, participating via
21 video-conference link; and it may also take place in your absence,
22 with your counsel present or participating via video-conference link.

23 Now, I would like to ask the parties for their views on the
24 proposed dates for the Status Conference.

25 I think you already mentioned this before, but if you can

1 reiterate which date you will be available, and especially if 7
2 January is a date that is possible for you.

3 Madam Prosecutor.

4 MS. BOLICI: Thank you, Your Honour. The Specialist
5 Prosecutor's Office will be available at any date indicated by the
6 Chambers.

7 JUDGE GUILLOU: Thank you, Madam Prosecutor.

8 Mr. Cadman.

9 MR. CADMAN: I'm available on the 7th or 8th, whichever date
10 Your Honour chooses.

11 JUDGE GUILLOU: Thank you, Mr. Cadman.

12 You will receive a Scheduling Order that will include the agenda
13 in due course.

14 After the Status Conference, I will issue a decision on the
15 Specialist Prosecutor's disclosure obligations in accordance with
16 Rule 102. And in the Scheduling Order for the Status Conference, I
17 will invite the parties to make written submissions before the
18 hearing on this topic and on any matter that they would like to raise
19 during the Status Conference.

20 As you remain in detention, Mr. Haradinaj, I would also like to
21 inform you that you may challenge your detention on remand in
22 accordance with Rule 57. This will be dealt with in written rulings.

23 As I provided in yesterday's rescheduling decision, I also
24 invite the Defence for Mr. Haradinaj to indicate whether his note of
25 consent agreeing to the timing of this Initial Appearance, which is

1 filing F00080, filed yesterday as confidential, can be reclassified
2 as public, or whether he intends to submit a public redacted version.

3 Mr. Cadman, are you in a position to answer today?

4 MR. CADMAN: No, unfortunately I'm not in a position to answer
5 today. I will certainly review and respond in writing in due course.

6 The only other matter that I would raise whilst I'm on my feet,
7 I note that counsel for Mr. Gucati, in his challenge to pre-trial
8 detention, has requested an oral hearing. I'm joining that and I
9 will endeavour to make a filing by the close of business today in
10 regard to that.

11 JUDGE GUILLOU: Thank you, Mr. Cadman.

12 In this regard, I would also like to remind the parties that
13 filings should be submitted as public unless there are reasons to
14 withhold information contained in the filing. In such a case,
15 according to Rule 82, the party has to state the reasons for a
16 confidential classification.

17 Moreover, when I order a party to make submissions or indicate
18 their views on the reclassification of their filings, it simply means
19 that the parties are invited to state their views on this matter.
20 Filings cannot be reclassified proprio motu by the parties but only
21 by judicial instruction.

22 I would also like to add a point related to media and
23 confidential information. I noted, with some concern, that in the
24 past few days the media reported information regarding the date of
25 the confirmation decision and the charges in the Confirmed Indictment

1 that had not yet been made public at that time.

2 In this regard, I would like to remind all parties and the
3 accused to respect the confidential nature of some of the information
4 in these proceedings.

5 I would also wish to note that the Initial Appearance of
6 Haradinaj takes place today at this time further to two decisions
7 rescheduling the initial time and date. While this time, taking in
8 consideration that this is the Initial Appearance of the accused, I
9 exceptionally allow these changes, further requests for rescheduling
10 hearings will only be granted for compelling reasons. Rescheduling a
11 hearing involves significant additional work for several units of the
12 Specialist Chambers, and therefore such instances shall be kept to a
13 minimum.

14 Finally, I would like to remark that the judicial recess begins
15 on 21 December 2020 and ends on 1 January 2021. During this
16 time-period, I will only be responding to urgent matters. Non-urgent
17 matters should be addressed to the Basic Court after the recess.

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

22 The hearing is adjourned. Thank you.

23 --- Whereupon the Initial Appearance adjourned at 11.41 a.m.