



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-06/IA030

Before: **A Panel of the Court of Appeals Chamber**
Judge Michèle Picard
Judge Emilio Gatti
Judge Nina Jørgensen

Registrar: Fidelma Donlon

Date: 22 December 2023

Original language: English

Classification: Public

Decision on Selimi's and Krasniqi's Request for Variation of Time Limit

Specialist Prosecutor's Office:

Kimberly P. West

Counsel for Hashim Thaçi:

Gregory Kehoe

Counsel for Victims:

Simon Laws

Counsel for Kadri Veseli:

Ben Emmerson

Counsel for Rexhep Selimi:

Geoffrey Roberts

Counsel for Jakup Krasniqi:

Venkateswari Alagendra

THE PANEL OF THE COURT OF APPEALS CHAMBER of the Kosovo Specialist Chambers (“Court of Appeals Panel”, “Appeals Panel” or “Panel” and “Specialist Chambers”, respectively),¹ acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 169 of the Rules of Procedure and Evidence (“Rules”), is seised of a joint request (“Request”) filed by Mr Rexhep Selimi (“Selimi”) and Mr Jakup Krasniqi (“Krasniqi”) (collectively, “the Accused” or “the Defence”)² seeking an extension of the time limit for their upcoming appeals against the Trial Panel’s “Decision on Prosecution Motion for Admission of Accused’s Statements” (“Appeals” and “Impugned Decision”, respectively).³ On 19 December 2023, the Trial Panel certified four issues for appeal.⁴ Selimi and Krasniqi request an extension of three weeks to file the Appeals, the deadline therefore becoming 19 January 2024.⁵

1. Selimi and Krasniqi submit that there is good cause for granting the Request due to the significance and complexity of the certified issues, which relate to the privilege against self-incrimination, the rights of suspects, and the use of the previous statements of the co-Accused against Krasniqi, thereby requiring “in-depth” factual and legal analysis.⁶ The Accused further invoke the winter judicial recess and the multiple competing deadlines the Defence is facing.⁷ In their view, the requested extension is reasonable, proportionate, and will not prejudice the SPO as an

¹ IA030/F00001, Decision Assigning a Court of Appeals Panel, 21 December 2023.

² IA030/F00002, Selimi and Krasniqi Defence Request for Extension of Time Limit to Appeal Decision F01917, 21 December 2023.

³ F01917, Decision on Prosecution Motion for Admission of Accused’s Statements, 9 November 2023.

⁴ F02022, Decision on Defence Requests for Certification to Appeal the Decision on Prosecution Motion for Admission of Accused’s Statements, 19 December 2023 (“Certification Decision”), para. 94(a). Mr Kadri Veseli’s request for certification to appeal the Impugned Decision was dismissed and Mr Hashim Thaçi did not seek certification to appeal the Impugned Decision. See Certification Decision, paras 3, 94(b).

⁵ Request, paras 1, 13.

⁶ Request, paras 8-9. See also Request, para. 11. Selimi and Krasniqi also stress the impact of the Impugned Decision on their fair trial rights. See Request, para. 8.

⁷ Request, para. 10.

immediate resolution is not required for the SPO to continue the presentation of its case.⁸ Finally, they submit that the Request is timely.⁹

2. The Appeals Panel notes that, pursuant to Rule 170(2) of the Rules, Selimi and Krasniqi should normally file any appeal against the Impugned Decision by 29 December 2023. The Panel recalls, however, that Rule 9(5)(a) of the Rules allows for the variation of any time limit prescribed by the Rules, upon a showing of good cause or *proprio motu*.

3. Regarding the timeliness of the Request, the Panel considers that it has been filed sufficiently in advance of the deadline under Rule 170(2) of the Rules. As to good cause, the Appeals Panel notes the significance and complexity of the certified issues and recalls that these factors have previously been acknowledged as constituting good cause for varying the time limits of appellate filings, justifying a departure from the time limits specified in the Rules.¹⁰ The Panel also recalls that while a judicial recess does not itself constitute good cause for extending time limits, limited staff availability during recess may be a factor in granting extensions of time.¹¹ With regard to the existence of multiple competing deadlines, the Appeals Panel notes that, while this may be a factor in granting extensions of time,¹² the Accused fail to point to any specific competing deadlines they are currently dealing with.¹³

4. Therefore, in light of the above and in the particular circumstances of the present case, the Panel is of the view that additional time would assist Selimi and

⁸ Request, paras 10-11. The Accused add that the SPO informed the Defence via *inter partes* correspondence that “it will not oppose extensions/suspension for non-urgent filings made shortly before the recess”. See Request, para. 4.

⁹ Request, para. 12.

¹⁰ See e.g. IA012/F00004, Decision on Thaçi’s and Krasniqi’s Requests for Variation of Time and Word Limits, 27 October 2021, para. 7; KSC-BC-2020-04, IA002/F00002, Decision on Shala’s Request for Variation of Time Limit, 28 October 2021 (“*Shala* Decision”), para. 3.

¹¹ KSC-CA-2023-02, F00004, Decision on Defence Motion for Variation of Time Limit to File Notice of Appeal, 9 January 2023, para. 6 and references cited therein.

¹² See e.g. *Shala* Decision, para. 3; KSC-BC-2020-04, IA002/F00007, Decision on the Parties’ Requests for Variation of Time Limits, 17 November 2021, para. 4.

¹³ See Request, para. 10, fn. 10.

Krasniqi in preparing meaningful submissions and finds that good cause exists for varying the time limit for filing the Appeals. However, the Panel considers that an extension of 21 days, in other words more than tripling the time frame provided in the Rules, would not be reasonable in this instance. Extending the deadline for filing the Appeals to 12 January 2024 would be sufficient.

5. The Panel finally recalls that, pursuant to Rule 9(6) of the Rules, motions for the variation of time limits may be disposed of without giving the Parties the opportunity to be heard. In light of the upcoming deadline for filing appeals against the Impugned Decision, and given that no prejudice will be caused to the Parties, the Panel considers that it is in the interests of justice to dispose of the Request immediately.

6. For these reasons, the Court of Appeals Panel:

GRANTS the Request in part; and

AUTHORISES Selimi and Krasniqi to file their Appeals against the Impugned Decision no later than 12 January 2024.



**Judge Michèle Picard,
Presiding Judge**

Dated this Friday, 22 December 2023

At The Hague, the Netherlands