



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2020-06

**The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi**

**Before:** Trial Panel II

Judge Charles L. Smith III, Presiding Judge

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

**Registrar:** Fidelma Donlon

**Date:** 19 June 2024

**Language:** English

**Classification:** Public

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**Decision on Joint Defence Request for Extension of Time to Respond to Prosecution Second Motion for Judicial Notice of Adjudicated Facts (F02365)**

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**Specialist Prosecutor**  
Kimberly P. West

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Simon Laws

**Counsel for Hashim Thaçi**  
Luka Mišetić

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
Geoffrey Roberts

**Counsel for Jakup Krasniqi**  
Venkateswari Alagendra

**TRIAL PANEL II** (“Panel”), pursuant to Articles 21(4)(c) and 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 9(5)(a) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 7 June 2024, the Specialist Prosecutor’s Office (“SPO”) filed a second motion for judicial notice of adjudicated facts (“Motion”).<sup>1</sup>
2. On 14 June 2024, the Defence teams for Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi (collectively, “Defence”) jointly sought an extension of time to respond to the Motion (“Request”).<sup>2</sup>

## II. SUBMISSIONS

3. The Defence requests an extension of time to respond to the Motion until Thursday, 11 July 2024.<sup>3</sup> The Defence submits that such an extension would allow them to properly review the proposed facts and to respond to the Motion while still ensuring that the Panel will have sufficient time to adjudicate the Motion in due course, without causing any delays to the current envisaged trial schedule.<sup>4</sup>
4. The SPO has – according to the Defence – communicated *inter partes* that it does not oppose a “reasonable extension of time”.<sup>5</sup>

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<sup>1</sup> F02365, Specialist Prosecutor, *Prosecution Second Motion for Judicial Notice of Adjudicated Facts*, 7 June 2024, confidential, with Annex 1, confidential (a public redacted version was filed on 10 June 2024).

<sup>2</sup> Correspondence 527.

<sup>3</sup> Correspondence 527.

<sup>4</sup> Correspondence 527.

<sup>5</sup> Correspondence 527.

### III. APPLICABLE LAW

5. Pursuant to Rule 9(5)(a) the Panel may *proprio motu* or upon showing of good cause extend any time limit prescribed by the Rules or set by the Panel.

### IV. DISCUSSION

6. As a preliminary matter, the Panel notes that a request for an extension of time (or pages) should normally be made by means of a formal application filed with the Registry, rather than by email.<sup>6</sup> The Panel has therefore ordered the Registry to file as correspondence the email sent by the Defence in which it requested the extension.

7. The Panel finds that the Request is timely as it was filed sufficiently in advance of the relevant deadline.

8. The Panel finds that the Defence has demonstrated good cause for a limited extension of time, considering, in particular, the significant number of facts of which the SPO requests the Panel to take judicial notice (172) as well as other pending filings and trial preparations, which will impact the Defence's resources in the coming weeks.

9. The Panel considers, however, that the extension of time requested by the Defence is unreasonable and disproportionate in the circumstances. The Panel considers that, to ensure the efficiency and expeditiousness of proceedings, and to also ensure that the Accused have adequate time to respond to the Motion, a shorter extension of time, until Monday, 1 July 2024, is sufficient and appropriate in the circumstances.

10. In light of the above, the Panel extends the time for the Defence to respond to the Motion until **Monday, 1 July 2024**.

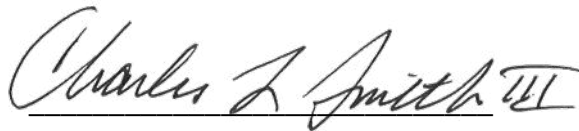
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<sup>6</sup> See Correspondence 527.

V. DISPOSITION

11. For the abovementioned reasons, the Panel hereby:

- a) **GRANTS** the Request, in part; and
- b) **EXTENDS** the time limit for the Defence to respond to the Motion to **Monday, 1 July 2024.**

A handwritten signature in black ink, reading "Charles L. Smith, III". The signature is written in a cursive style and is positioned above a horizontal line.

**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Wednesday, 19 June 2024

At The Hague, the Netherlands.