



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA 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:** 14 October 2024

**Language:** English

**Classification:** Public

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**Decision on Joint Defence Request for an Extension of Time to Respond to F02620,  
F02625 and F02633**

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**Specialist Prosecutor**

Kimberly P. West

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Luka Mišetić

**Counsel for Victims**

Simon Laws

**Counsel for Kadri Veseli**

Rodney Dixon

**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 October 2024, the Specialist Prosecutor's Office ("SPO") filed the list of witnesses for 18 November 2024 to 30 January 2025 ("List of Witnesses").<sup>1</sup>
2. On 8 October 2024, the SPO filed the motion for admission of evidence of Witnesses W02586, W03873, W04264, W04393, W04401, W04679, and W04747 pursuant to Rule 154 ("First Rule 154 Motion").<sup>2</sup>
3. On 11 October 2024, the SPO filed the motion for admission of evidence of Witnesses W04826, W04874, and W04875 pursuant to Rules 138, 149, and 154 and related request ("Experts Motion").<sup>3</sup>
4. On 11 October 2024, the Defence for the four Accused (collectively, "Defence") jointly filed a request for extension of time to respond to the List of Witnesses, the First Rule 154 Motion, and the Experts Motion (collectively, "SPO Motions") ("Request").<sup>4</sup>

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<sup>1</sup> F02620, Specialist Prosecutor, *Prosecution Submission of List of Witnesses for 18 November 2024 to 30 January 2025*, 7 October 2024, confidential, with Annex 1, confidential (a public redacted version was filed on the same day, F02620/RED).

<sup>2</sup> F02625, Specialist Prosecutor, *Prosecution Motion for Admission of Evidence of Witnesses W02586, W03873, W04264, W04393, W04401, W04679, and W04747 pursuant to Rule 154*, 8 October 2024, confidential, with Annexes 1-7, confidential (a public redacted version was filed on 9 October 2024, F02625/RED).

<sup>3</sup> F02633, *Prosecution Motion for Admission of Evidence of Witnesses W04826, W04874, and W04875 pursuant to Rules 138, 149, and 154 and related request*, 11 October 2024, confidential, with Annexes 1-3, confidential (a public redacted version was filed on the same day, F02633/RED).

<sup>4</sup> F02638, Specialist Counsel, *Joint Defence Request for an Extension of Time to Respond to F02620, F02625 and F02633*, confidential, 11 October 2024 (a public redacted version was filed on 14 October 2024, F02638/RED).

## II. SUBMISSIONS

5. The Defence requests: (i) an extension of ten (10) days to provide cross-examination estimates and objections to the proposed exhibits for seven of the witnesses included in the List of Witnesses and concerned by the First Rule 154 Motion;<sup>5</sup> (ii) an extension of seven (7) days to respond to the First Rule 154 Motion;<sup>6</sup> and (iii) extension of ten (10) days to provide cross-examination estimates for the three expert witnesses included in the List of Witnesses and the Expert Motion.<sup>7</sup> The Defence also requests an extension of fifteen (15) days to respond to the Expert Motion.<sup>8</sup>

6. The Defence submits that the Request is timely, as it was filed shortly after the Defence was notified of the SPO Motions, and well in advance of the deadlines for Defence responses.<sup>9</sup> The Defence also submits that good cause exists to grant the Request, considering the significant volume of material to be reviewed and analysed.<sup>10</sup> In the Defence's submission, an extension of time is required to prepare meaningful responses,<sup>11</sup> and would enable the Defence to file a consolidated response to expedite the process.<sup>12</sup> In light of the foregoing, the Defence submits that an extension of time is necessary to ensure the rights of the Accused to have adequate time and facilities for the preparation of their defence.<sup>13</sup> The Defence further argues that the relief sought in the Request is reasonable and limited, and would not cause any prejudice to the SPO.<sup>14</sup>

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<sup>5</sup> Request, paras 2(i), 3(i).

<sup>6</sup> Request, paras 2(ii), 3(i).

<sup>7</sup> Request, paras 2(i), 3(i).

<sup>8</sup> Request, paras 2(iii), 3(ii).

<sup>9</sup> Request, para. 5.

<sup>10</sup> Request, para. 7.

<sup>11</sup> Request, paras 6, 7.

<sup>12</sup> Request, para. 10.

<sup>13</sup> Request, para. 9.

<sup>14</sup> Request para. 11.

7. The Defence indicated that, subject to one condition, the SPO has no objection to the requested extensions.<sup>15</sup>

### III. APPLICABLE LAW

8. 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

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

10. The Panel also finds that the Defence has demonstrated good cause for a limited extension of time, considering, in particular: (i) the significant volume of material to be reviewed and analysed, in particular considering the numerous proposed exhibits involved and complex material related to the proposed expert witnesses;<sup>16</sup> and (ii) that the relief sought will not prejudice the SPO as the extension requested allows sufficient time for any replies by the SPO.<sup>17</sup> The Panel notes that the Defence has provided the SPO *inter partes* with its preliminary positions on the expert witnesses.<sup>18</sup>

11. The Panel also notes that, following *inter partes* consultation, the SPO does not oppose the requested extensions provided that the Defence provide cross-examination estimates for the expert witnesses by 25 October 2024.<sup>19</sup>

12. In light of the above, the Panel grants the request and extends the time for the Defence to: (i) respond to the First Rule 154 Motion and to provide cross-examination estimates and objections to the proposed exhibits of the seven related

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<sup>15</sup> Request, para. 4.

<sup>16</sup> See Request, para. 7.

<sup>17</sup> See Request, para. 11.

<sup>18</sup> Request, para. 11.

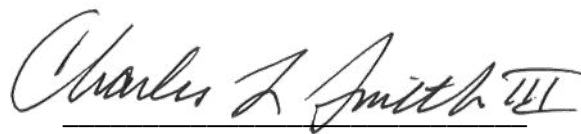
<sup>19</sup> Request, para. 3(i).

witnesses, as well as cross-examination estimates for the three expert witnesses until **Friday, 25 October 2024**; and (ii) extends the time for the Defence to respond to the Expert Motion and to provide objections to the proposed exhibits of the three expert witnesses to **Friday, 8 November 2024**.

## V. DISPOSITION

13. For the above-mentioned reasons, the Panel hereby:

- a) **GRANTS** the Defence Request; and
- b) **EXTENDS** the time limit for the Defence to:
  - i. file its response to the First Rule 154 Motion, cross-examination estimates and objections to the proposed exhibits of the seven related witnesses, as well as cross-examination estimates for the three expert witnesses until **Friday, 25 October 2024**; and
  - ii. file its response to the Expert Motion and provide objections to the proposed exhibits of the three expert witnesses until **Friday, 8 November 2024**.



**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Monday, 14 October 2024

At The Hague, the Netherlands.