



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 December 2024

Language: English

Classification: Public

**Order on the Extension of Time for Filings and Private Session Transcript
Reviews During Winter Recess Period**

Specialist Prosecutor
Kimberly P. West

Counsel for Hashim Thaçi
Luka Mišetić

Counsel for Victims
Simon Laws

Counsel for Kadri Veseli
Rodney Dixon

Counsel for Rexhep Selimi
Geoffrey Roberts

Counsel for Jakup Krasniqi
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TRIAL PANEL II (“Panel”), pursuant to Articles 21 and 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 9 and 77(3) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 5 December 2024, the Defence for Kadri Veseli (“Veseli Defence”) orally requested a suspension of filing deadlines from 16 December 2024 to 13 January 2025 (“Request”).¹

2. On the same day, the Panel heard submissions by the Parties on the Request² and encouraged further discussion on the list of filings to be submitted before the winter recess.³

3. On 11 December 2024, the Panel ordered the Parties to notify it of the outcome of *inter partes* discussions on the Request by 13 December 2024.⁴

4. On 12 December 2024, the Special Prosecutor’s Office (“SPO”) notified the Panel of the outcome of *inter partes* discussions on the Request and provided a list of filings to be submitted before the winter recess.⁵

5. Between 12 and 17 December 2024, the Defence for Mr Thaçi (“Thaçi Defence”),⁶ the Defence for Mr Selimi (“Selimi Defence”),⁷ and the Defence for

¹ Transcript of Hearing, 5 December 2024, confidential, p. 23530, line 25 to p. 23531, line 2.

² Transcript of Hearing, 5 December 2024, confidential, p. 23532, line 3 to p. 23533, line 6.

³ Transcript of Hearing, 5 December 2024, confidential, p. 23533, lines 7-25.

⁴ CRSPD690, Email from Trial Panel to Parties Participants re Briefing Schedule Over Recess, 11 December 2024, confidential.

⁵ CRSPD690, Email from SPO to Trial Panel re Briefing Schedule Over Recess, 12 December 2024, confidential.

⁶ CRSPD690, Email from Thaci Defence to Trial Panel re Briefing Schedule Over Recess, 12 December 2024, confidential.

⁷ CRSPD690, Email from Selimi Defence to Trial Panel re Briefing Schedule Over Recess, 16 December 2024, confidential.

Mr Krasniqi (“Krasniqi Defence”),⁸ provided notification to the Panel of their agreement to the suspension of all filing deadlines except those related to the review of detention.

II. SUBMISSIONS

6. The Veseli Defence requested a suspension of filing deadlines for the period of 16 December 2024 to 13 January 2025, with an exception for detention reviews and emergency filings.⁹ The Selimi Defence formally indicated that it did not oppose the request.¹⁰ The other two Defence teams did not oppose the request.

7. The SPO responded that it is generally amenable to such requests, but that it depends on the specific filings at issue, and suggested *inter partes* discussions, the outcome of which would be notified to the Panel.¹¹

8. Following *inter partes* discussions, the Parties and participants agreed, subject to the Panel’s approval, to a suspension of filing deadlines during the winter recess period, including in relation to all private session transcript review deadlines, with the exception of detention review filings.¹² Further, it was agreed among Parties that, if the filing Party or participant considers a filing other than a detention review filing to require more urgent attention, the filing Party or participant will indicate such urgency in their respective requests, with an accompanying justification.¹³

⁸ CRSPD690, Email from Krasniqi Defence to Trial Panel re Briefing Schedule Over Recess, 17 December 2024, confidential.

⁹ Transcript of Hearing, 5 December 2024, confidential, p. 23530, line 25 to p. 23531, line 2, and p. 23532 lines 11-12 and 15-17.

¹⁰ Transcript of Hearing, 5 December 2024, confidential, p. 23532, line 20 to p. 23533, line 6.

¹¹ Transcript of Hearing, 5 December 2024, confidential, p. 23532, lines 3-8.

¹² CRSPD690, Email from SPO to Trial Panel re Briefing Schedule Over Recess, 12 December 2024, confidential.

¹³ CRSPD690, Email from SPO to Trial Panel re Briefing Schedule Over Recess, 12 December 2024, confidential.

III. APPLICABLE LAW

9. 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

10. The Panel notes that, following *inter partes* discussions, the Parties and participants agree, with limited exceptions, on a suspension of filing and all private session transcript review deadlines during the winter recess period.¹⁴

11. The Panel finds that the Parties have demonstrated good cause, as required under Rule 9(5)(a), for an extension of filing and all private session transcript review deadlines, given the number of deadlines faced by the Parties and participants and the interference of such deadlines with the upcoming winter recess period. The extension of time for filing and all private session transcript review deadlines falling during the winter recess period would allow the Parties and participants time to make more meaningful submissions and to prepare most effectively for the next stage of proceedings.

12. The Panel agrees that some exceptions to the extension of time might be warranted. Considering the importance of timely submissions on the review of detention, as reflected in Article 41(10) and Rule 57(2), such filings will be exempted from the order on the extension of time. This exception also encompasses filings on urgent matters which require a timely response and adjudication. The Parties and participants must provide in such filings a justification for the urgency. Parties and participants will respond to these filings in accordance with the time limits prescribed by Rule 76 unless a request for an expedited briefing schedule or an extension is granted.

¹⁴ The winter recess period runs from Monday, 23 December 2024, to Friday, 10 January 2025. KSCPR-2023, F00002, President, Judicial Recess Periods for 2024, 25 September 2023.

13. In light of the above, with the exception of (i) filings concerning the review of detention and (ii) where urgency requires a timely response by the Parties and participants and the filing Party is seeking a ruling on that basis, the Panel grants an extension for filing and all private session transcript review deadlines falling within the winter recess period.

14. The briefing schedule for any filings falling within the winter recess period, including responses and replies to Rule 77 motions, shall start to run as of **Monday, 13 January 2025**, pursuant to the timelines as set out in Rules 9(2) and 76. Private session transcript review shall follow the timelines agreed upon by the Parties and participants and approved by the Panel.¹⁵

V. DISPOSITION

15. In light of the foregoing, the Trial Panel hereby:

- a) **GRANTS** the Request, in part; and
- b) **ORDERS** that, with the exception of filings related to the review of detention and urgent matters, filing and all private session transcript review deadlines falling within the winter recess period, shall start to run as of **Monday, 13 January 2025**, as specified in paragraph 14, above.



Judge Charles L. Smith, III

Presiding Judge

Dated this Thursday, 19 December 2024

At The Hague, the Netherlands.

¹⁵ Transcript of Hearing, 7 November 2023, p. 9444, line 14, to p. 9446, line 21.