



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:** 19 December 2024

**Language:** English

**Classification:** Public

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**Order on the Selimi Defence's Request for an Expediated Briefing Schedule for F02785**

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**TRIAL PANEL II** (“Panel”), pursuant to Articles 21 and 40(2) and (6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 9 and 116 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this order.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 1 December 2023, following a request by the Specialist Prosecutor’s Office (“SPO”),<sup>1</sup> the Panel modified the conditions of detention for Hashim Thaçi (“Mr Thaçi”), Kadri Veseli (“Mr Veseli”) and Rexhep Selimi (“Mr Selimi”) (collectively “three Accused”) (“modified detention conditions”) (“Decision Modifying Detention Conditions”).<sup>2</sup>

2. On 9 February 2024, the Panel issued a decision providing guidance pursuant to the Decision Modifying Detention Conditions.<sup>3</sup>

3. On 22 March 2024, following a request by the Defence for Mr Selimi (“Selimi Defence”),<sup>4</sup> the Panel issued a decision rejecting a request for judicial review of a decision by the Registrar implementing the Decision Modifying Detention Conditions.<sup>5</sup>

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<sup>1</sup> F01933, Specialist Prosecutor, *Prosecution Urgent Request for Modification of Detention Conditions*, 17 November 2023, confidential, with Annexes 1-5, confidential. A public redacted version was filed on 22 November 2023, F01933/RED.

<sup>2</sup> F01977, Panel, *Further Decision on the Prosecution’s Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi*, 1 December 2023, paras 51-53, 55-60, 62-76, 84(c).

<sup>3</sup> F02115, Panel, *Decision on Registry Notification in Relation to Court-Ordered Protective Measures and Request for Guidance Pursuant to Decision F01977*, 9 February 2024, confidential. A public redacted version was issued on the same day, F02115/RED.

<sup>4</sup> F02160/A01, Registrar, *Annex 1 of Transmission of Rexhep Selimi’s Request for Judicial Review of Registrar’s Decision on Request for Reconsideration*, 1 March 2024, confidential and *ex parte*. The Registrar transmitted Mr Selimi’s Request for Judicial Review to the Panel on 1 March 2024 (see F02160, Registrar, *Transmission of Rexhep Selimi’s Request for Judicial Review of Registrar’s Decision on Request for Reconsideration*, 1 March 2024, confidential and *ex parte*, with Annexes 1-5, confidential and *ex parte*).

<sup>5</sup> F02194, Panel, *Decision on Rexhep Selimi’s Request for Judicial Review of Registrar’s Decision on Reconsideration* (“Decision on Mr Selimi’s Request for Judicial Review”), 22 March 2024.

4. On 13 December 2024, the Selimi Defence requested that the Panel amend the Decision Modifying Detention Conditions as the measures ordered therein are no longer necessary and proportionate, significantly impact Mr Selimi's ability to maintain necessary contact with his family and place a significant burden on the staff of the Specialist Chambers' detention facilities ("Request").<sup>6</sup> The Selimi Defence also requested an expediated briefing schedule, with the SPO submitting a response as soon as possible, and that the Panel grant the relief in the Request prior to the impending recess to allow Mr Selimi to enjoy the benefit of additional privileges over the recess period.<sup>7</sup>

5. On 19 December 2024, following *inter partes* correspondence between the Parties and participants, the Panel issued an order suspending the deadlines for all filings, except reviews of detention.<sup>8</sup>

## II. APPLICABLE LAW

6. Pursuant to Article 40(2) and (6) and Rule 116, the Panel shall take all necessary measures, on an ongoing basis, as are necessary to facilitate the fair and expeditious conduct of the trial proceedings and to protect the Accused, witnesses and victims.

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

8. Pursuant to Rule 9(6), where no prejudice is caused to the opposing Party, a motion for variation of time may be disposed of without giving the opposing Party the opportunity to be heard.

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<sup>6</sup> F02785, Specialist Counsel, *Selimi Defence Request to the Trial Panel to Amend Decision F01977*, 13 December 2025, paras 1, 3-4, 38, with Annexes 1-2, confidential.

<sup>7</sup> Request, para. 37.

<sup>8</sup> F02800, Panel, *Order on the Extension of Time for Filings and Private Session Transcript Reviews During Winter Recess Period* ("Order on the Extension of Time"), 19 December 2024.

### III. DISCUSSION

9. The Panel notes that it ordered, with limited exceptions, at the request of and with the agreement of the Parties and participants, the suspension of filing and private session transcript review deadlines during the winter recess period.<sup>9</sup> Nonetheless, the Panel will consider the Selimi Defence's request for an expediated briefing schedule for a response to the Request.

10. At the outset, the Panel notes that it agrees with the Selimi Defence that the Panel should review the Decision Modifying Detention Conditions to determine whether the conditions imposed therein remain necessary and proportionate.<sup>10</sup>

11. The Panel is of the view, however, that such a review must be fully informed and comprehensive. In this respect, the Panel notes that the Decision Modifying Detention Conditions modified the conditions of detention for the Three Accused,<sup>11</sup> and not just Mr Selimi. Therefore, in undertaking such a review, the Panel considers that it is also necessary to hear from the Defences for Mr Thaçi and Mr Veseli. In addition, it is necessary to hear submissions from the SPO *and* the Registrar.

12. Furthermore, the Panel recalls the conditions of detention of the Three Accused were modified to prevent the impermissible disclosure of confidential information, including the identity of protected witnesses, and to guarantee the integrity of the proceedings.<sup>12</sup> Therefore, in reviewing the Decision Modifying Detention Conditions, the Panel will have to assess whether the modified detention conditions remain necessary and proportionate, including whether the

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<sup>9</sup> 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; *See* Order on the Extension of Time, paras 10, 13-14, 15(b).

<sup>10</sup> Request, paras 1, 4, 38; *See also* Decision Modifying Detention Conditions, para. 77; Decision on Mr Selimi's Request for Judicial Review, para. 51.

<sup>11</sup> Decision Modifying Detention Conditions, paras 51-53, 55-60, 62-76, 84(c)

<sup>12</sup> Decision Modifying Detention Conditions, para. 30.

well-being of witnesses and victims are protected<sup>13</sup> if the detention conditions were to be modified.

13. The Panel considers that such an exercise is not conducive to being undertaken within a short timeframe without hearing from all fully informed Parties and participants. The Panel, therefore, finds that the Selimi Defence has not established good cause for an expediated briefing schedule for the Request as such an abbreviated schedule would deprive the Panel of comprehensive and fully informed submissions before addressing the merits of the Request. The Panel, therefore, rejects the request for an expediated briefing schedule.

14. The Panel considers that no prejudice is caused to the SPO by disposing of the request for an expediated briefing schedule without giving the SPO an opportunity to be heard as the Panel has rejected the request.

15. As the Panel has found that the Decision Modifying Detention Condition should be reviewed with fully informed submissions from all Parties and participants, it considers it appropriate to set out a briefing schedule for such a review. Accordingly, the Panel orders: (i) the Defences for Mr Thaçi and Mr Veseli to file submissions, if they so wish, on whether the conditions of detention modified in the Decision Modifying Detention Conditions remain necessary and proportionate by no later than **Wednesday, 22 January 2025**; (ii) the SPO to file a consolidated response to the Request and any submissions by the Defences for Mr Thaçi and Mr Veseli, if it so wishes, by no later than **Monday, 3 February 2025**; (iii) the Registrar to file a consolidated response to the Request and any submissions by the Defences for Mr Thaçi and Mr Veseli, if it so wishes, by no later than **Monday, 3 February 2025**; and (iv) the Defences for the three Accused to file a reply, if they so wish, by no later than **Monday, 10 February 2025**.

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<sup>13</sup> Article 23(1); Rule 80(1).

## IV. DISPOSITION

16. In light of the foregoing, the Panel hereby:

- a) **REJECTS** the Request for an expediated briefing schedule;
- b) **ORDERS** the Defences for Mr Thaçi and Mr Veseli to file submissions, if they so wish, on whether the modified detention conditions remain necessary and proportionate by no later than **Wednesday, 22 January 2025**;
- c) **ORDERS** the SPO to file a consolidated response to the Request and any submissions by the Defences for Mr Thaçi and Mr Veseli, if it so wishes, by no later than **Monday, 3 February 2025**;
- d) **ORDERS** the Registrar to file a consolidated response to the Request and any submissions by the Defences for Mr Thaçi and Mr Veseli, if it so wishes, by no later than **Monday, 3 February 2025**;
- e) **ORDERS** the Defences for the three Accused to file a reply, if they so wish, by no later than **Monday, 10 February 2025**; and
- f) **DEFERS** a decision on the MERITS of the Request until after the timelines in the briefing schedule have run.



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**Judge Charles L. Smith, III**  
**Presiding Judge**

Dated this Thursday, 19 December 2024

At The Hague, the Netherlands.