



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2023-12/IA002

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

Registrar: Fidelma Donlon

Date: 26 February 2025

Original language: English

Classification: Public

**Decision on Specialist Prosecutor's Office's Motion for Extension of Time to File
Consolidated Reply to the Defence Responses**

Specialist Prosecutor's Office:
Kimberly P. West

Counsel for Hashim Thaçi:
Sophie Menegon

Counsel for Bashkim Smakaj:
Jonathan Elystan Rees

Counsel for Isni Kilaj:
Iain Edwards

Counsel for Fadil Fazliu:
David Young

Counsel for Hajredin Kuçi:
Alexander Admiraal

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 motion filed on 26 February 2025 by the Specialist Prosecutor’s Office (“Motion” and “SPO”, respectively).²

1. The SPO requests a four-day extension of the time limit for filing a reply to the responses filed by Mr Hashim Thaçi (“Thaçi”) and Mr Isni Kilaj (“Kilaj”) to the “Prosecution appeal against the ‘Decision on the Confirmation of the Indictment’ (F00036)” (“Appeal”, “Thaçi Response” and “Kilaj Response”, respectively),³ and seeks leave to file, by Friday, 7 March 2025, a consolidated reply to all of the Defence responses to its Appeal (“Defence Responses”).⁴ The SPO submits that good cause exists for the requested extension as it is in the interests of judicial economy to enable it to address all the Defence challenges at once, avoid duplicative and/or overlapping replies, and better focus the issues for appeal determination.⁵ The SPO also submits that this limited extension will not affect the expeditiousness of the adjudication of the Appeal nor prejudice Thaçi or Kilaj.⁶

¹ IA002/F00001, Decision Assigning a Court of Appeals Panel, 3 February 2025.

² IA002/F00007, Prosecution request for extension of time to file consolidated reply, 26 February 2025 (“Motion”).

³ F00036/RED, Public Redacted Version of Decision on the Confirmation of the Indictment, 12 February 2025 (strictly confidential and *ex parte* version filed on 29 November 2024, reclassified as confidential on 13 December 2024); IA002/F00002/RED, Public redacted version of ‘Prosecution appeal against the “Decision on the Confirmation of the Indictment” (F00036), 14 February 2025 (confidential version filed on 12 February 2025) (“Appeal”); IA002/F00005, Thaçi Defence Response to Prosecution appeal against the ‘Decision on the Confirmation of the Indictment’, 24 February 2025 (“Thaçi Response”); IA002/F00006, Kilaj response to Prosecution appeal against the “Decision on the Confirmation of the Indictment” (F00036), 24 February 2025 (confidential) (“Kilaj Response”).

⁴ Motion, para. 1.

⁵ Motion, para. 2.

⁶ Motion, para. 3.

2. The Appeals Panel recalls that where certification to appeal has been granted pursuant to Rule 77(3) of the Rules, the Appellant may file a reply within 5 days of the response.⁷ The Panel may, *proprio motu* or upon a showing of good cause, extend or reduce any time limit prescribed by the Rules or set by the Panel.⁸

3. Regarding the timeliness of the Motion, the Panel notes that any SPO reply to the Thaçi Response and the Kilaj Response is normally due on 3 March 2025, and thus considers that the Motion has been filed sufficiently in advance of the deadline under Rule 170(2) of the Rules.

4. The Panel will now consider whether the SPO demonstrates good cause for its request for a variation of the time limit to file a consolidated reply to the Defence Responses.

5. The Panel recalls that it granted a seven-day extension of time to Mr Bashkim Smakaj (“Smakaj”) and Mr Fadil Fazliu (“Fazliu”) to file their responses to the Appeal, namely by 3 March 2025.⁹ The Panel welcomes the SPO’s initiative to file a consolidated reply to the Defence Responses “in the interests of judicial economy”, which would not only be more concise, but may provide clearer and more cogent submissions by addressing any overlapping issues within a single filing. The Panel further considers that the very limited extension of time requested to enable the SPO to file a consolidated reply will actually expedite the conclusion of the briefing schedule in the present appellate proceedings.¹⁰ The Panel further recalls the novelty of the issues addressed in the Appeal and their potential impact on the outcome of the

⁷ Rule 170(2) of the Rules.

⁸ Rule 9(5)(a) of the Rules.

⁹ IA002/F00004, Decision on Smakaj and Fazliu Joint Motion for Extension of Time to Respond to the Specialist Prosecutor’s Office’s Appeal Against the Decision on the Confirmation of the Indictment, 25 February 2025 (“Decision on Smakaj and Fazliu Motion for Extension of Time”); IA002/F00003, Smakaj and Fazliu Joint Application to Extend Time to Respond to Prosecution Appeal IA002, 24 February 2025 (confidential, reclassified as public on 25 February 2025).

¹⁰ Any reply to the responses by Smakaj and Fazliu, which are due by 3 March 2025, would normally be due by 10 March 2025.

proceedings.¹¹ Therefore, the Panel finds that good cause exists for granting the requested extension of the time limit for a consolidated reply.

6. Finally, the Panel recalls that, pursuant to Rule 9(6) of the Rules, motions for variation of time may be disposed of without giving the opposing Party the opportunity to be heard. In light of the upcoming deadline for filing a reply to the Defence Responses and given that no prejudice will be caused to the Defence, the Panel considers that it is in the interests of justice to dispose of the Motion immediately.

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

GRANTS the Motion; and

AUTHORISES the SPO to file a consolidated reply to the Defence Responses, if any, by Friday, 7 March 2025.



Judge Michèle Picard,
Presiding Judge

Dated this Wednesday, 26 February 2025

At The Hague, the Netherlands

¹¹ See Decision on Smakaj and Fazliu Motion for Extension of Time, para. 7.