



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2023-12
Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj,
Isni Kilaj, Fadil Fazliu, and Hajredin Kuçi

Before: Pre-Trial Judge
Judge Marjorie Masselot

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

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Prosecution request for extension of time on preliminary motions responses

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1. Pursuant to Rules 9(5)(a), 76 and 97 of the Rules,¹ the Specialist Prosecutor's Office ('SPO') hereby requests an extension of time to file its responses to the Defence Preliminary Motions.² In particular, the SPO seeks leave to file, by Friday 30 May 2025: (i) its response to the Jurisdiction Motion;³ (ii) a consolidated response to the Severance Motions;⁴ and (iii) a consolidated response to the Indictment Defects Motions.⁵
2. There is good cause for the SPO's request. The SPO is required to respond to detailed submissions, presenting a range of complex and novel legal issues. Furthermore, noting the substantive overlap between the Severance Motions and considering that two Accused allege defects in the form of the Indictment, consolidated responses to those challenges are warranted to avoid duplicative and/or overlapping responses, and better focus the issues for judicial determination.
3. This request is filed sufficiently in advance of the expiration of the time limit, and as soon as practicable after due consideration was given to the Defence Preliminary Motions. The limited extension of time will not affect the expeditiousness of the proceedings, and no prejudice will be caused to the Defence. Granting this

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

² Thaçi Defence Preliminary Motion Requesting Severance of the Indictment and Adjournment of the Proceedings concerning Mr Thaçi, KSC-BC-2023-12/F00285, 7 May 2025; Joint Defence Preliminary Motion Pursuant to Rule 97 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BC-2023-12/F00286, 7 May 2025; Thaçi Defence Motion on Defects in the Indictment, KSC-BC-2023-12/F00288, 8 May 2025; Fazliu Defence Challenge to the Form of the Indictment, KSC-BC-2023-12/F00289, 8 May 2025; Thaçi Defence Preliminary Motion on Jurisdiction, KSC-BC-2023-12/F00290, 8 May 2025, Confidential and *Ex Parte* (collectively 'Defence Preliminary Motions').

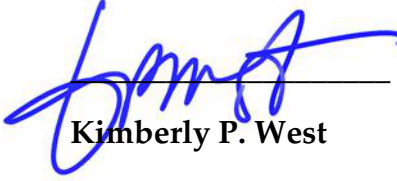
³ Thaçi Defence Preliminary Motion on Jurisdiction, KSC-BC-2023-12/F00290, 8 May 2025, Confidential and *Ex Parte* ('Jurisdiction Motion'). A public redacted version was filed on 12 May 2025. Pursuant to Rule 76, the deadline for the SPO's response to this filing would ordinarily be Wednesday, 21 May 2025.

⁴ Thaçi Defence Preliminary Motion Requesting Severance of the Indictment and Adjournment of Proceedings concerning Mr Thaçi, KSC-BC-2023-12/F00285, 7 May 2025; Joint Defence Preliminary Motion Pursuant to Rule 97 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BC-2023-12/F00286, 7 May 2025 (jointly, 'Severance Motions'). Pursuant to Rule 76, the deadline for the SPO's response to these filings would be Monday, 19 May 2025 and Wednesday, 21 May 2025, respectively.

⁵ Thaçi Defence Motion on Defects in the Indictment, KSC-BC-2023-12/F00288, 8 May 2025; Fazliu Defence Challenge to the Form of the Indictment, KSC-BC-2023-12/F00289, 8 May 2025 ('Indictment Defects Motions'). Pursuant to Rule 76, the deadline for the SPO's responses to these motions would be Wednesday, 21 May 2025.

request would be fair to the SPO considering that the Defence was afforded an extensive period of time to file their Rule 97 motions⁶ and had ample opportunity to consider the Indictment,⁷ which was not significantly amended further to the Appeals Panel's Decision.⁸

Word count: 702


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Tuesday, 13 May 2025

At The Hague, the Netherlands

⁶ See Decision on Thaçi Defence Request for Variation of the Time Limit for Preliminary Motions, KSC-BC-2023-12/F00135, 24 January 2025, paras 21, 22(ii) (extending the time limits for the submission of the preliminary motions to 4 March 2025); Decision on Joint Defence Request for Further Variation of Time Limits to File Preliminary Motions, KSC-BC-2023-12/F00193, 21 February 2025, paras 17-18 (vacating the previously-set time limit for the filing of preliminary motions and deciding that a new scheduling order would be set after the decision of the Court of Appeals Panel on the SPO's appeal against the Confirmation Decision); Decision Amending the "Decision on the Confirmation of the Indictment" and Setting a Date for the Submission of Preliminary Motions, KSC-BC-2023-12/F00260, 14 April 2025, paras 30, 31(h) (setting the date for lodging preliminary motions on 8 May 2025).

⁷ Annex 1 to Submission of Confirmed Indictment, KSC-BC-2023-12/F00040/A01, 2 December 2024, Strictly Confidential; Annex 1 to Submission of Amended Confirmed Indictment, KSC-BC-2023-12/F00264/A01, 16 April 2025, Confidential ('Indictment').

⁸ Decision on the Specialist Prosecutor's Office's Appeal Against the Decision on the Confirmation of the Indictment, KSC-BC-2023-12/IA002/F00012, 3 April 2025, Confidential, paras 80-90.