



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06/IA036
KSC-BC-2020-06/IA037
KSC-BC-2020-06/IA038
KSC-BC-2020-06/IA040

Before: A Panel of the Court of Appeals Chamber
Judge Michèle Picard
Judge Kai Ambos
Judge Nina Jørgensen

Registrar: Fidelma Donlon

Date: 10 July 2025

Original language: English

Classification: Public

**Decision on Joint Request for Extension of Words to File Consolidated Appeal
Against Decisions on Admission of Evidence**

Specialist Prosecutor's Office:

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:

Venkateswari Alagendra

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 joint motion filed on 8 July 2025 (“Request”) by the Defence teams for Mr Hashim Thaçi, Mr Kadri Veseli, Mr Rexhep Selimi and Mr Jakup Krasniqi (collectively, “Defence” and “Accused”).² The Specialist Prosecutor’s Office (“SPO”) responded on 9 July 2025.³

1. The Defence requests approval to file one consolidated appeal (“Consolidated Appeal”) addressing five issues that were certified for appeal by the Trial Panel (“Certified Issues”),⁴ in relation to: the “Decision on the Admission of Expert Evidence of Witness W04875” (“F03202”); the “Decision on the Admission of Expert Evidence of W04826” (“F03201”); the “Decision on the Admission of Expert Evidence of W04874” (“F03203”); the “Decision on Prosecution Motion for Admission of Documents concerning Murder Victims and Related Request” (“F03211”); and the “Decision on Prosecution Motion for Admission of International Report” (“F03213”) (collectively,

¹ IA036/F00001, IA037/F00001, IA038/F00001, Decision Assigning a Court of Appeals Panel, 4 July 2025; IA040/F00001, Decision Assigning a Court of Appeals Panel, 9 July 2025.

² IA036/F00002, IA037/F00002, IA038/F00002, IA040/F00002, Joint Defence Request to Court of Appeals Panel, 8 July 2025 (“Request”).

³ IA036/F00003, IA037/F00003, IA038/F00003, IA040/F00003, Prosecution response to ‘Joint Defence Request to Court of Appeals Panel’, 9 July 2025 (“Response”).

⁴ See F03297, Decision on Joint Defence Request for Leave to Appeal Decision on the Admission of Expert Evidence of Witness W04875, 1 July 2025 (“Certification Decision F03297”); F03298, Decision on Joint Defence Consolidated Request for Leave to Appeal Decisions on the Admission of Expert Evidence of Witnesses W04826 and W04874 (F03201 and F03203), 1 July 2025 (“Certification Decision F03298”); F03299, Decision on Joint Defence Request for Leave to Appeal Decision on Prosecution Motion for Admission of Documents concerning Murder Victims and Related Request, 1 July 2025 (“Certification Decision F03299”); F03312, Decision on Joint Defence Request for Certification to Appeal the Decision on Prosecution Motion for Admission of International Reports, 7 July 2025 (“Certification Decision F03312”).

“Impugned Decisions”).⁵ Should the request to file a Consolidated Appeal be granted by the Panel, the Defence further requests a word extension of an extra 6,000 words.⁶

2. The SPO responds that it does not oppose the Defence’s request to file a Consolidated Appeal, but that the Panel should deny any extension of word count.⁷ The SPO further submits that the Panel should set the deadline for the filing of the Consolidated Appeal to Friday, 11 July 2025.⁸ Finally, should the Panel grant any extension of word count and/or time to the Defence, the SPO requests to be granted commensurate extensions for its response.⁹

3. Regarding the request to file a Consolidated Appeal, the Accused submits that the Certified Issues relate to the interpretation and application of Rule 149 of the Rules.¹⁰ In light of the overlapping Certified Issues and in the interest of efficiency and expediency, the Defence submits that good cause exists for the Accused to file a Consolidated Appeal.¹¹

⁵ Request, para. 1. The Impugned Decisions are: F03202, Decision on the Admission of Expert Evidence of Witness W04875, 27 May 2025 (“F03202”); F03201/COR, Corrected Version of Decision on the Admission of Expert Evidence of W04826, 16 June 2025 (uncorrected version filed on 27 May 2025) (“F03201”); F03203, Decision on the Admission of Expert Evidence of W04874, 27 May 2025 (“F03203”); F03211/RED, Public Redacted Version of Decision on Prosecution Motion for Admission of Documents concerning Murder Victims and Related Request, 29 May 2025 (confidential version filed on 29 May 2025) (“F03211”); F03213, Decision on Prosecution Motion for Admission of International Report, 29 May 2025 (“F03213”).

⁶ Request, para. 3.

⁷ Response, para. 1.

⁸ Response, para. 2.

⁹ Response, para. 3. The SPO specifically requests, should the Panel authorise the Defence to file a consolidated appeal by 18 July 2025, that the Panel grants the SPO a commensurate seven-day extension of time to file its response thereto. See Response, para. 2. The Panel notes the SPO’s assertion that the appeal in relation to Certification Decision F03312 would be due by 18 July 2025. However, recalling that the Certification Decision F03312 was issued on 7 July 2025 and that pursuant to Rule 170(2) of the Rules, the Appellant may file an appeal within 10 days of the certification, the Panel confirms that the deadline for any appeal to be filed against F03312 would be Thursday, 17 July 2025. Contra Response, para. 2, fn. 8.

¹⁰ Request, para. 2.

¹¹ Request, para. 2.

4. In the absence of any specific provision in the Rules, the Panel considers that, in this instance, it lies within the purview of the Defence to decide whether to file their interlocutory appeals collectively in a consolidated document rather than individually, in separate documents. Nonetheless, the Panel grants the Defence's request to file a Consolidated Appeal.¹² The Panel welcomes this initiative to file a Consolidated Appeal against the Impugned Decisions which will allow for more conciseness and may also provide clearer and more cogent submissions by addressing any overlapping issues within a single filing.¹³

5. Turning to the timeliness of the Defence's request for an extension of the word limit, the Appeals Panel recalls that where certification to appeal has been granted pursuant to Rule 77(3) of the Rules, the Appellant may file an appeal within 10 days of the certification. The Respondent may file a response within 10 days of the appeal.¹⁴ The Panel notes that the deadline for the filing of the appeals would normally be Friday, 11 July 2025 for F03202, F03201, F03203, F03211¹⁵ and, Thursday, 17 July 2025 for F03212.¹⁶ The Panel is satisfied that the Request was, overall, filed sufficiently in advance for the purpose of Article 36(1) of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers ("Practice Direction").¹⁷

6. Turning to the justification of the Defence's request for an extension of the word limit, the Accused submits that an extension of double the word count in one

¹² Request, para. 2.

¹³ See e.g. IA024/F00007, Decision on Specialist Prosecutor's Office's Request for Extension of Time and of Words to File Combined Response, 16 September 2022 ("Decision on SPO Request for Extension of Time and of Words to File Combined Response"), para. 5; IA012/F00010, Decision on Specialist Prosecutor's Office's Request for Variation of Word Limit to File Consolidated Response, 1 December 2021 ("Decision on Variation of Word Limit for SPO Consolidated Response"), para. 2.

¹⁴ Rule 170(2) of the Rules.

¹⁵ See Certification Decision F03297, Certification Decision F03298, Certification Decision F03299.

¹⁶ See Certification Decision F03212.

¹⁷ KSC-BD-15, Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, 17 May 2019.

consolidated appeal addressing the Certified Issues would be considerably more accommodating to all Parties than four separate appeals of 6,000 words each amounting to a total of 24,000 words.¹⁸ The Panel understands from this submission that the Defence's intends to file a Consolidated Appeal not exceeding 12,000 words.

7. The Panel recalls that Article 46(2) of the Practice Direction stipulates that any interlocutory appeal and response shall not exceed 6,000 words. In addition, Article 36(1) of the Practice Direction states that participants to proceedings may seek, sufficiently in advance, an extension of the word limit upon showing that good cause exists, constituting exceptional circumstances.¹⁹

8. As to whether the Defence demonstrated that good cause exists in relation to the request for extension of the word limit, contrary to the SPO's submissions,²⁰ the Panel is satisfied that, in the interest of efficiency and expediency, and for the reasons related to the clarity and cogency of the submissions described above,²¹ good cause exists for granting the requested extension of words for the Consolidated Appeal.²²

9. The Panel observes that the Defence does not request an extension of the time limit for the filing of the Consolidated Appeal. However, as pointed out by the SPO,²³ the two different deadlines for the filing of the appeals, namely 11 July 2025 and 17 July 2025,²⁴ require a determination by the Appeals Panel as to the applicable time limit. The Panel acknowledges the SPO's suggestion that the date of the deadline

¹⁸ Request, para. 3.

¹⁹ See e.g. Decision on SPO Request for Extension of Time and of Words to File Combined Response, para. 3; Decision on Variation of Word Limit for SPO Consolidated Response, para. 2.

²⁰ Response, para. 1.

²¹ See above, para. 4.

²² See Request, para. 2.

²³ Response, para. 2.

²⁴ See above, para. 5.

should be 11 July 2025.²⁵ However, the Panel finds that the present circumstances warrant that the time limit for filing a Consolidated Appeal shall run from the date of filing of the last certification decision issued in relation to the Impugned Decisions,²⁶ namely the Decision on Joint Defence Request for Certification to Appeal the Decision on Prosecution Motion for Admission of International Reports issued on 7 July 2025.²⁷ Accordingly, the Panel decides *proprio motu*, pursuant to Rule 9(5)(a) of the Rules, that the Consolidated Appeal shall be filed no later than 17 July 2025.

10. Finally, the Panel takes note of the SPO's request to be granted commensurate extensions to those granted to the Defence for its response to the Consolidated Appeal.²⁸ In the present circumstances, the Panel finds that it is in the interests of effective case management to order the SPO to file a consolidated response to the Consolidated Appeal not exceeding 12,000 words. The Panel considers that the date of 17 July 2025 does not constitute *per se* an extension of time for the filing of the Consolidated Appeal but rather an interpretation of the Rules, by analogy.²⁹ The Panel is nonetheless mindful that the deadline set in this Decision is favourable to the Defence. In the present circumstances and mindful of the SPO's submission that, should the Panel decide to set the deadline on 17 July 2025, then the SPO's response would be due during the judicial recess,³⁰ the Panel grants a seven days extension of

²⁵ Response, para. 2.

²⁶ The Panel notes that the Rules do not provide explicit guidance regarding the applicable time limit for the filing of a consolidated appeal in circumstances like the present one where certification decisions were issued on different dates. The Panel decides to follow, by analogy, the approach provided under Rule 179(6) of the Rules according to which: "[U]nless otherwise ordered by the Court of Appeals Panel, the Specialist Prosecutor shall, if he or she is appealing a Judgment in respect of multiple acquitted or convicted persons, file consolidated appellate briefs. The time limit for filing a consolidated brief shall run from the last Appeal Brief or Brief in Response of the acquitted or convicted persons, as applicable". See Rule 179(6) of the Rules.

²⁷ Certification Decision F03212.

²⁸ Response, para. 3.

²⁹ See above, fn. 26.

³⁰ Response, para. 2.

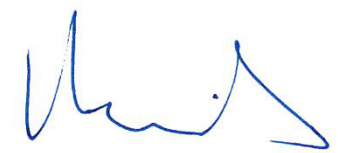
time to the SPO and orders that any response to the Consolidated Appeal be filed within 17 days from the date of the notification of the Consolidated Appeal.³¹

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

GRANTS the Request;

AUTHORISES the Defence to file a Consolidated Appeal, not exceeding 12,000 words, by 17 July 2025; and

ORDERS the SPO to file a consolidated response to the Consolidated Appeal not exceeding 12,000 words, within 17 days from the date of the notification of the Consolidated Appeal.



**Judge Michèle Picard,
Presiding Judge**

Dated this Thursday, 10 July 2025

At The Hague, the Netherlands

³¹ The Panel recalls that while a judicial recess does not itself constitute good cause for extending time limits, limited staff availability during recess may be a factor in granting extensions of time. See e.g. KSC-CA-2023-02, F00004, Decision on Defence Motion for Variation of Time Limit to File Notice of Appeal, 9 January 2023, para. 6; KSC-BC-2023-10, IA001/F00004, Decision on Specialist Prosecutor's Office's Request for Extension of Time, 28 December 2023 (confidential, reclassified as public on 28 February 2024), para. 3.