

In: KSC-BC-2020-06
The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hashim Thaçi
Specialist Counsel for Kadri Veseli
Specialist Counsel for Rexhep Selimi
Specialist Counsel for Jakup Krasniqi

Date: 23 February 2021

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Joint Defence Request for an Extension of Time

Specialist Prosecutor

Jack Smith

Counsel for Hashim Thaçi

David Hooper

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagenda

1. On 22 January 2021, the Pre-Trial Judge rejected the application for interim release of each accused.¹
2. At the status conference held on 16 February 2021, the Pre-Trial Judge ordered the respective defence teams to “provide submissions on whether reasons for continued detention still exist by Friday, 26 February”.²
3. In accordance with Rule 9(5)(a) of the Rules of Procedure and Evidence (“Rules”), Counsel for Hashim Thaçi, Counsel for Kadri Veseli, Counsel for Rexhep Selimi, and Counsel for Jakup Krasniqi (together, “the Defence”), request a variation of this time limit in order that such submissions be provided, if necessary, within ten (10) days of receipt of the relevant decision issued by the Court of Appeals Panel in respect of the pending appeals concerning the refusal of interim release of each accused (“Appeals Decision” or “Appeals Decisions”).³
4. Good cause exists for the requested extension. The Defence submit that their respective “submissions on whether reasons for continued detention still exist” would benefit from being made following receipt and consideration of the Appeals Decisions, which would be the first ones to rule on the issue of interim release in the current case.

¹ KSC-BC-2020-06/F00177, Decision on Hashim Thaçi's Application for Interim Release; KSC-BC-2020-06/F00178, Decision on Kadri Veseli's Application for Interim Release; KSC-BC-2020-06/F00179, Decision on Rexhep Selimi's Application for Interim Release; KSC-BC-2020-06/F00180, Decision on Jakup Krasniqi's Application for Interim Release.

² KSC-BC-2020-06, Transcript, Status Conference, 16 February 2021, p. 318.

³ KSC-BC-2020-06/IA001/F00001, Defence Request to Appeal the "Decision on Kadri Veseli's Application for Interim Release", 1st February 2021; KSC-BC-2020-06/IA002/F00001, Krasniqi Defence Appeal Against Decision on Jakup Krasniqi's Application for Interim Release, 3rd February 2021; KSC-BC-2020-06/IA003/F00001, Appeal against Decision on Rexhep Selimi's Application for Interim Release, 3rd February 2021; KSC-BC-2020-06/IA004/F00001, Thaçi Defence appeal against the "Decision on Hashim Thaçi's Application for Interim Release", 3rd February 2021.

5. In so far as the requested extension requires any waiver of their right to have their detention reviewed on a two-month basis in accordance with Article 41(10) of the Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rule 57(2) of the Rules, the Defence confirm that, exceptionally, each accused waives their right of review.

REQUESTED RELIEF

6. Accordingly, the Defence respectfully request the Pre-Trial Judge to:

FIND that good cause exists pursuant to Rule 9(5)(a) of the Rules for a variation of the time limit; and

ORDER that, for each accused, submissions on whether reasons for continued detention still exist be filed, if necessary, within ten (10) days of receipt of the relevant Appeals Decision.

[Word count: 418]

Respectfully submitted,



David Hooper
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Ben Emmerson CBE QC
Specialist Counsel for Kadri Veseli



David Young
Specialist Counsel for Rexhep Selimi



Venkateswari Alagenda
Specialist Counsel for Jakup Krasniqi

Tuesday, 23 February 2021

At London, United Kingdom,

The Hague, The Netherlands

Kuala Lumpur, Malaysia