

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

Date: 7 May 2021
Language: English
Classification: Confidential

Request for Extension of the Time Limit in relation to Submissions on Mr Thaçi's Continued Detention

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. The defence for Mr Hashim Thaçi (“defence”) was given until ten days after notification of the decision of the Court of Appeals Panel on his appeal to make submissions on whether reasons for the continued detention of Mr Thaçi exist.¹ Given that the relevant decision of the Court of Appeals Panel was issued on 30 April 2021,² any submissions on Mr Thaçi’s continued detention are due by 10 May 2021.

2. The defence wishes to inform the Pre-Trial Judge that, cognisant of his observations in the decision of 22 January 2021 combined with the observations of the Court of Appeals Panel, the defence is in discussions with third party States in order to provide detailed proposals for residence in such a State which would constitute new circumstances to support or renew the request for interim release.

3. However, the defence is not currently in a position to provide such proposals as part of the further submissions on continued detention due by 10 May but hopes to be in a position to do so in the course of the next few weeks. The defence, therefore, invites the Pre-Trial Judge to further adjourn his decision under Article 41(10) of the Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“KSC Law”) until 31 May 2021. The discussions with third party States – which are detailed and complex - provide the required good cause to further extend the time limit in terms of Rule 9(5)(a) of the Rules of Procedure and Evidence (“Rules”).

4. In so far as the requested extension requires any waiver of Mr Thaçi’s right to have his detention reviewed on a two-month basis in accordance with Article 41(10) of the KSC Law and Rule 57(2) of the Rules, the defence confirms that Mr Thaçi waives his right of review.

¹ KSC-BC-2020-06/F00206, Decision on Joint Defence Request for Extension of Time Limit, 24 February 2021, para. 6.

² KSC-BC-2020-06/IA004/F00005, Decision on Hashim Thaçi’s Appeal Against Decision on Interim Release, 30 April 2021.

5. In view of the sensitivity of these discussions, and to avoid media speculation³, this request is filed as confidential.

REQUESTED RELIEF

6. Accordingly, the defence respectfully requests the Pre-Trial Judge to:


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

ORDER that submissions on whether reasons for the continued detention of Mr Thaçi still exist be filed by 31 May 2021.

7. In the alternative, should the Pre-Trial Judge not grant the requested extension and, instead, make a decision under Article 41(10) of the Law in the absence of any further submissions from the defence, the defence respectfully requests that he do so without prejudice to any future request for interim release.

[Word count: 479]

Respectfully submitted,



David Hooper

Specialist Counsel for Hashim Thaçi

³ The issue has already resulted in inaccurate speculation in the media as to the countries which may be in discussion with the defence.

Friday, 7 May 2021
At London, United Kingdom