

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: 27 May 2021

Language: English

Classification: Confidential

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

Specialist Prosecutor

Jack Smith

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Gregory W. Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

I. PROCEDURAL BACKGROUND

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 against the Pre-Trial Judge’s decision denying him interim release, in order to make submissions on whether reasons for his continued detention still exist.¹

2. On 30 April 2021, the Court of Appeals Panel denied Mr Thaçi’s appeal.²

3. On 7 May 2021, the defence requested an extension of time to file its submissions on the continued detention of Mr Thaçi, on the ground that it was in discussions with third party States to provide detailed proposals for possible residence in such States.³

4. On 12 May 2021, the Pre-Trial Judge granted the request and ordered the defence to provide its submissions on whether reasons for continued detention still exist by 31 May 2021.⁴

5. On 20 May 2021, the Registry filed a Notification of Request for Withdrawal by Counsel for Hashim Thaçi.⁵

6. On 25 May 2021, the Pre-Trial Judge approved the request for the early termination of the representation of Mr Thaçi by Mr Hooper, and directed the Registrar to appoint Mr Kehoe as Counsel for Mr Thaçi. He further directed the

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.

³ KSC-BC-2020-06/F00284, Request for Extension of the Time Limit in relation to Submissions on Mr Thaçi’s Continued Detention, 7 May 2021, para. 2.

⁴ KSC-BC-2020-06/F00292, Decision on Thaçi Request for Extension of Time Limit, 12 May 2021, para. 8.

⁵ KSC-BC-2020-06/F00317, Notification of Request for Withdrawal by Counsel for Hashim Thaçi, 20 May 2021.

Registrar to submit a notice to the Pre-Trial Judge of Mr Kehoe's appointment.⁶ Mr Kehoe was appointed as Counsel by the Registrar on the same day.

II. SUBMISSIONS

7. In accordance with Rule 9(5)(a) of the Rules of Procedure and Evidence ("Rules"), the defence hereby requests a variation of the time limit in order to make submissions on Mr Thaçi's continued detention by Wednesday 30 June 2021. Good cause exists for the requested extension, for the following reasons.

8. Mr Kehoe has just been appointed and requires some time to review the materials relating to Mr Thaçi's continued detention, take instructions, and then submit his observations in that regard.

9. In addition, discussions remain ongoing with third party States to provide proposals for residence in such States.

10. In so far as the requested extension requires any waiver of Mr Thaçi's right to have his detention reviewed on a two-monthly basis in accordance with Article 41(10) of the Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("KSC Law") and Rule 57(2) of the Rules, the defence confirms that Mr Thaçi waives his right of review.

11. In view of the sensitivity of the discussions with third party States, and to avoid media speculation, this request is filed as confidential.

⁶ KSC-BC-2020-06/F00320, Decision Approving the Withdrawal of Counsel for Hashim Thaçi, 25 May 2021.

III. REQUESTED RELIEF

12. 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 Wednesday 30 June 2021.

13. 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: 614]

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'G. W. Kehoe', is written over a white rectangular redaction box.

Gregory W. Kehoe

Counsel for Hashim Thaçi

Thursday, 27 May 2021

At Tampa, United States