



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

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

Date: 28 May 2021

Language: English

Classification: **Public**

Decision on Thaçi Additional Request for Extension of Time Limit

Specialist Prosecutor
Jack Smith

Counsel for Victims
Simon Laws

Counsel for Hashim Thaçi
Gregory Kehoe

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
David Young

Counsel for Jakup Krasniqi
Venkateswari Alagenda

THE PRE-TRIAL JUDGE,¹ pursuant to Articles 39(1) and (13) and 41(10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law"), and Rules 9(5)(a) and (6) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 24 February 2021, the Pre-Trial Judge varied the time limit for Hashim Thaçi ("Mr Thaçi") to provide submissions as to whether reasons for his continued detention still exist until ten days after the notification of the decision by the Court of Appeals Panel on Mr Thaçi's appeal against the Pre-Trial Judge's decision denying his request for interim release.²
2. On 30 April 2021, the Court of Appeals Panel denied Mr Thaçi's appeal.³
3. On 12 May 2021, the Pre-Trial Judge further varied the aforementioned time limit in respect of Mr Thaçi until 31 May 2021.⁴
4. On 19 May 2021, the Pre-Trial Judge varied the same time limit in respect of the remaining accused until 31 May 2021.⁵
5. On 27 May 2021, Mr Thaçi filed a request for a further variation of the aforementioned time limit until 30 June 2021, in order to ensure that his newly appointed counsel has sufficient time to make such submissions and to provide

¹ KSC-BC-2020-06, F00001, President, *Decision Assigning a Pre-Trial Judge*, 23 April 2020, public.

² KSC-BC-2020-06, F00206, Pre-Trial Judge, *Decision on Joint Defence Request for Extension of Time Limit*, 24 February 2021, public, para. 6.

³ KSC-BC-2020-06/IA004, F00005/RED, Court of Appeals Panel, *Public Redacted Version of Decision on Hashim Thaçi's Appeal Against Decision on Interim Release*, 30 April 2021, public, para. 91.

⁴ KSC-BC-2020-06, F00292, Pre-Trial Judge, *Decision on Thaçi Request for Extension of Time Limit*, 12 May 2021, public, para. 7.

⁵ KSC-BC-2020-06, Transcript, 19 May 2021, public, p. 451, line 19 – p. 452, line 2.

additional information in support of these submissions (“Request”).⁶ Mr Thaçi also waives his right to have his detention reviewed before the expiry of the two-month time limit set out in Article 41(10) the Law and Rule 57(2) Rules.⁷

II. APPLICABLE LAW

6. Pursuant to Rule 9(5)(a) of the Rules, the Pre-Trial Judge may *proprio motu* reduce any time limit prescribed by the Rules or set by the Panel.

7. Pursuant to Rule 9(6) of the Rules, where no prejudice is caused to the opposing Party, a motion for variation of time may be disposed of without giving the opposing Party the opportunity to be heard.

8. Article 41(10) of the Law and Rule 57(2) of the Rules provide that, upon expiry of two (2) months from the last ruling on detention on remand, the Pre-Trial Judge or Panel seized with the case shall examine whether reasons for detention on remand still exist and render a ruling by which detention on remand is extended or terminated.

III. DISCUSSION

9. Having considered the reasons put forward by Mr Thaçi, in particular that his counsel remains in the process of obtaining additional information in support of these submissions, and that Mr Thaçi has waived his right to have his detention reviewed before the expiry of the two-month time limit set out in Article 41(10) the Law and Rule 57(2) Rules, the Pre-Trial Judge finds that good cause warranting the requested variation of the time limit has been demonstrated.

⁶ KSC-BC-2020-06, F00325, Defence for Mr Thaçi, *Additional Request for Extension of the Time Limit in relation to Submissions on Mr Thaçi's Continued Detention*, 27 May 2021 (notified on 28 May 2021), confidential, paras 7-9.

⁷ Request, para. 10.

10. The Pre-Trial Judge further finds that the remaining accused may either provide their submissions as to their continued detention by 31 May 2021 or request a variation of the time limit by the same date if they are also in the process of obtaining additional information in support of their submissions and if they waive the right to have their detention reviewed before the expiry of the aforementioned two-month time limit.

IV. DISPOSITION

11. For the above-mentioned reasons, the Pre-Trial Judge hereby:

- a. **GRANTS** the Request;
- b. **ORDERS** Mr Thaçi to provide submissions as to whether reasons for his continued detention still exist by **Wednesday, 30 June 2021**, with responses and replies following the timeline set out in Rule 76 of the Rules; and
- c. **ORDERS** the remaining accused to either provide their submissions as to their continued detention by **Monday, 31 May 2021**, with responses and replies following the timeline set out in Rule 76 of the Rules, or request a variation of the time limit by the same date if they are also in the process of obtaining additional information in support of their submissions and if they waive the right to have their detention reviewed before the expiry of the two-month time limit set out in Article 41(10) the Law and Rule 57(2) Rules.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Friday, 28 May 2021

At The Hague, the Netherlands