



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:** 1 June 2021

**Language:** English

**Classification:** **Public**

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**Decision on Veseli Requests for Extension of Time and Word Limits**

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**Specialist Prosecutor**  
Jack Smith

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Simon Laws

**Counsel for Hashim Thaçi**  
Gregory Kehoe

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
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**Counsel for Jakup Krasniqi**  
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**THE PRE-TRIAL JUDGE**,<sup>1</sup> 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"), Rules 9(5)(a) and (6) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), and Articles 36(1) and (2) and 41 of the Practice Direction on Files and Filings ("Practice Direction"),<sup>2</sup> hereby renders this decision.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 28 May 2021, the Pre-Trial Judge varied the time limit for Hashim Thaçi to provide submissions as to whether reasons for his continued detention still exist, and further considered that the remaining Accused in the present case may also request a variation of the same time limit by 31 May 2021.<sup>3</sup>

2. On 31 May 2021, Kadri Veseli ("Mr Veseli") filed a request to vary the aforementioned time limit until 4 June 2021 in order to provide additional information in support of his submissions ("Time Limit Request").<sup>4</sup> Mr Veseli also waived his right to have his detention reviewed before the expiry of the two-month time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules.<sup>5</sup>

3. On 1 June 2021, Mr Veseli filed a request to vary the word limit under Article 41 of the Practice Direction in order to provide submissions regarding his continued detention not exceeding 7,500 words ("Word Limit Request").<sup>6</sup> According to Mr Veseli, there are exceptional circumstances for the requested variation as, following the completion of disclosure under Rule 102(1)(a) of the Rules, he will now

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

<sup>2</sup> Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers (KSC-BD-15), 17 May 2019.

<sup>3</sup> KSC-BC-2020-06, F00327, Pre-Trial Judge, *Decision on Thaçi Additional Request for Extension of Time Limit*, 31 May 2021, public, paras 9-11.

<sup>4</sup> KSC-BC-2020-06, F00331, Defence for Mr Veseli, *Veseli Defence Request for Variation of Time Limit*, 31 May 2021 (notified on 1 June 2021), public, paras 1-3.

<sup>5</sup> Time Limit Request, para. 4.

<sup>6</sup> KSC-BC-2020-06, F00332, Defence for Mr Veseli, *Veseli Defence Request for Word Limit Variation*, 1 June 2021, public.

be able to address the “grounded suspicion” requirement under Article 41(6)(a) of the Law, comment on the extent of redactions applied, and present any instances of conduct which may support the mitigation of risk factors.<sup>7</sup> Mr Veseli also indicates that he has obtained further information pertaining to conditions for release.<sup>8</sup> He further avers that there is no time limit for raising submissions relevant to detention review.<sup>9</sup> Mr Veseli additionally contends that good cause exists as the requested variation is modest and it is important that he exhausts all possible arguments regarding his detention review.<sup>10</sup> Lastly, in his view, no prejudice will be caused to the Specialist Prosecutor’s Office (“SPO”) if the Pre-Trial Judge would grant the Word Limit Request without receiving its response.<sup>11</sup>

## II. APPLICABLE LAW

4. 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.

5. 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.

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

7. Pursuant to Article 41 of the Practice Direction, any motion shall not exceed 6,000 words.

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<sup>7</sup> Word Limit Request, para. 8.

<sup>8</sup> Word Limit Request, para. 10.

<sup>9</sup> Word Limit Request, para. 12.

<sup>10</sup> Word Limit Request, para. 13.

<sup>11</sup> Word Limit Request, para. 14.

8. Pursuant to Article 36(1) of the Practice Direction, a participant may seek, sufficiently in advance, an extension of the word limit upon showing that good cause exists constituting exceptional circumstances.

9. Pursuant to Article 36(2) of the Practice Direction, where no prejudice is caused to the opposing Party or Victims' Counsel, a motion for variation of the word limit may be disposed of without giving them the opportunity to be heard.

### III. DISCUSSION

10. Having considered the reasons put forward by Mr Veseli, in particular that he is in the process of obtaining additional information in support of his submissions as to his continued detention, and that he has waived his right to have his detention reviewed before the expiry of the two-month time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules, the Pre-Trial Judge finds that good cause warranting the requested variation of the time limit has been demonstrated. Therefore, the Pre-Trial Judge authorises Mr Veseli to provide his submissions by 4 June 2021.


11. In addition, the Pre-Trial Judge considers that good cause, constituting exceptional circumstances, to justify a variation of the word limit has been established, given the number and importance of the issues Mr Veseli intends to raise in connection with his submissions regarding his continued detention. The Pre-Trial Judge is also of the view that the Word Limit Request has been filed sufficiently in advance, namely three working days prior to the varied time limit pertaining to these submissions. Accordingly, the Pre-Trial Judge authorises Mr Veseli to provide submissions not exceeding 7,500 words.

12. Considering that the requested variations are limited, no prejudice has been caused to the SPO and Victims' Counsel in issuing the present decision prior to receiving their responses to the Requests under consideration.

## IV. DISPOSITION

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

- a. **GRANTS** the Time Limit Request;
- b. **GRANTS** the Word Limit Request; and
- c. **ORDERS** Mr Veseli to provide submissions not exceeding 7,500 words as to whether reasons for his continued detention still exist by **Friday, 4 June 2021**, with responses and replies following the timeline set out in Rule 76 of the Rules.



**Judge Nicolas Guillou**  
**Pre-Trial Judge**

Dated this Tuesday, 1 June 2021

At The Hague, the Netherlands