

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

Before: **President of the Kosovo Specialist Chambers,**
Judge Ekaterina Trendafilova

Registrar: Dr Fidelma Donlon

Filing Participant: Counsel for Rexhep Selimi
Counsel for Hashim Thaci
Counsel for Jakup Krasniqi

Date: 23 July 2021

Language: English

Classification: Public

**Selimi, Krasniqi and Thaçi Defence Request for an
Extension of Time to Submit their Appeals against the
Pre-Trial Judge’s Decision on Preliminary Motions**

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 Alagendra

1. On 19 May 2021, the Pre-Trial Judge indicated that the decisions on preliminary motions would be issued on Friday, 16 July 2021.¹ On 24 June 2021 the Pre-Trial Judge varied the deadline to Thursday, 22 July 2021 for organizational purposes.²
2. On 22 July 2021, the Pre-Trial Judge issued decisions on preliminary motions submitted by the Defence.³
3. The Defence for Rexhep Selimi, Jakup Krasniqi and Hashim Thaçi (“Defence”) each intend to appeal the Decision of the Pre-Trial Judge on preliminary motions challenging the jurisdiction of the Specialist Chambers.⁴
4. Pursuant to Rule 97(3) of the Rules of Procedure and Evidence (“Rules”) and Article 45(2) of the Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office “interlocutory appeals shall lie as of right from decisions or orders relating to [...] any preliminary motion challenging the jurisdiction of the Specialist Chambers” and thus, pursuant to Rule 170(1) of the Rules, the Defence should file their appeals within ten (10) days of the impugned decision. The deadline for these appeals would therefore normally fall on Monday, 2 August 2021.
5. In accordance with Rule 9(5)(a) of the Rules, the Panel may upon showing of good cause extend any time limit prescribed by the Rules or set by the Panel. Therefore, the Defence hereby respectfully request an extension of time to submit their appeals against the Pre-Trial Judge’s Decision on preliminary motions of the Defence challenging the jurisdiction of the Specialist Chambers by Friday, 27 August 2021.
6. The Defence submit that given the importance and complexity of the matters raised in the Impugned Decision and the novelty of the issues which have not previously been addressed by the Court of Appeals Panel, additional time would assist the Defence and

¹ KSC-BC-2020-06, Transcript of Hearing, 19 May 2021, public, p. 451, lines 16-17.

² Decision on Prosecution Request for Extension of Time Limit to Provide its Rule 102(3) Notice, KSC-BC-2020-06/F00370, 24 June 2021, para. 15.

³ Decision on Motions Challenging the Jurisdiction of the Specialist Chambers, KSC-BC-2020-06/F00412, 22 July 2021; Public Redacted Version of Decision on Defence Motions Alleging Defects in the Form of the Indictment, KSC-BC-2020-06/F00413/RED, 22 July 2021.

⁴ Decision on Motions Challenging the Jurisdiction of the Specialist Chambers, KSC-BC-2020-06/F00412, 22 July 2021.

the Prosecution to provide the necessary focused and detailed submissions on these issues. The Impugned Decision addresses a substantial number of extremely complicated and important issues which will take time to review, analyse and, where appropriate, exercise the Accuseds' right to challenge.

7. In addition, the Court's summer recess is scheduled to commence on 24 July 2021 and last until 15 August 2021. Given the extraordinary circumstances of the past year with the Covid pandemic, a short period where deadlines are effectively suspended over this period would assist the parties and cause no prejudice to proceedings.
8. Therefore, the Defence respectfully request the President of the Specialist Chambers to find that good cause⁵ exists pursuant to Rule 9(5)(a) of the Rules for a variation of the time and to order that the appeals against the Decision of the Pre-Trial Judge on the preliminary motions of the Defence challenging the jurisdiction of the Specialist Chambers be filed by Friday, 27 August 2021.

Word count: 547

Respectfully submitted on 23 July 2021,



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⁵ Decision on Counsel's Motion for Clarification and Variation of Time Limit, IA005/F00003, 31 May 2021, p. 4.



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