

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 Kadri Veseli

Date: 26 July 2021

Language: English

Classification: Public

**Veseli Defence Request for Variation of Time Limit
 to Appeal Decision KSC-BC-2020-06/F00412
 (Decision on Motions Challenging the Jurisdiction of the Specialist Chambers)**

Specialist Prosecutor’s Office
 Jack Smith

Counsel for Hashim Thaçi
 Gregory Kehoe

Counsel for Kadri Veseli
 Ben Emmerson

Counsel for Victims
 Simon Law s

Counsel for Rexhep Selimi
 David Young

Counsel for Jakup Krasniqi
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I. INTRODUCTION

1. Pursuant to Rule 9(5) of the Rules of Procedure and Evidence (“Rules”), the Defence for Mr Veseli (“Defence”) hereby requests the President of the Kosovo Specialist Chambers (“KSC”) to vary the time limit for appealing the Decision on Motions Challenging the Jurisdiction of the Specialist Chambers (“Impugned Decision”).¹

II. PROCEDURAL BACKGROUND

2. On 15 March 2021, the Defence submitted, inter alia, a preliminary motion challenging the jurisdiction of the Kosovo Specialist Chambers on the basis of violations of the Kosovo Constitution.²

3. At the Sixth Status Conference held on 21 July 2021, the Pre-Trial Judge informed the parties that he would issue a decision on constitutional challenges in the month of August 2021.³

4. On 22 July 2021, the Pre-Trial Judge issued both the Impugned Decision and a decision on challenges to the form of the indictment.

5. Pursuant to Rule 97(3) and Article 45(2) of the Law and Rule 170, an appeal against the Impugned Decision must, at present, be filed by **2 August 2021**.

III. SUBMISSIONS

6. The issues raised by the Defence in its various preliminary motions are interconnected and many of them are constitutional in nature.

¹ F00412, Pre-Trial Judge, Decision on Motions Challenging the Jurisdiction of the Specialist Chambers, 22 July 2021.

² F00224, Counsel for Kadri Veseli, Preliminary motion of the Defence of Kadri Veseli to Challenge Jurisdiction on the basis of violations of the Constitution, 15 March 2021.

³ KSC-BC-2020-06, Transcript, Status Conference, 21 July 2021, page 457, lines 15-16.

7. The Defence hereby notifies its intent to appeal the Impugned Decision but wishes to be apprised of the Pre-Trial Judge's upcoming decision on the various constitutional issues in order to file comprehensive and properly-informed grounds of appeal.

8. In light of the aforementioned, good cause exists to vary the time limit so that an appeal of the Impugned Decision may be filed within 10 days of the notification of the outstanding decision on constitutional challenges and, in any event, no earlier than 27 August 2021 which is the varied deadline sought by the other defence teams.⁴

9. The Specialist Prosecutor has indicated to the Defence, by way of efficient *inter partes* correspondence, that he does not oppose this request. The Defence has also indicated that it will not oppose a similar variation should it be sought by the Specialist Prosecutor.

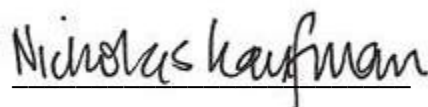
IV. CONCLUSION

9. In light of the aforementioned, the President is respectfully requested to vary the deadline for an appeal of the Impugned Decision in order to permit the Defence to submit grounds of appeal within 10 days of the notification of the outstanding decision on constitutional challenges and no earlier than 27 August 2021.

Word Count: 444



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⁴ KSC-BC-2020-06/IA009/F00001.