



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-BC-2020-06/IA009

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 27 July 2021

Language: English

Classification: Public

**Decision Assigning a Court of Appeals Panel to
Consider Requests Regarding Time Limits**

Judges of the Court of Appeals Panel:

Judge Michèle Picard

Judge Emilio Gatti

Judge Nina Jørgensen

Counsel for Hashim Thaçi:

Gregory Kehoe

Counsel for Kadri Veseli:

Ben Emmerson

Specialist Prosecutor's Office:

Jack Smith

Counsel for Rexhep Selimi:

David Young

Victims' Counsel Victims:

Simon Laws

Counsel for Jakup Krasniqi:

Venkateswari Alagendra

THE PRESIDENT of the Specialist Chambers (“President”), acting pursuant to Articles 33(1)-(3) and 45(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rules 2, 9(5), 13, 97(3), 169 and 170(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”) and Rules 3 and 4 of the Rules on the Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Court of Appeals Panel to decide on the requests for an extension of time of: (i) Messrs Hasim Thaçi, Rexhep Selimi and Jakub Krasniqi (“First Request”);¹ (ii) Mr Kadri Veseli (“Second Request”);² and (iii) the Specialist Prosecutor’s Office (“SPO” and “SPO Request”, respectively)³ (collectively “Requests”) to appeal the Pre-Trial Judge’s Decision on Motions Challenging the Jurisdiction of the Specialist Chambers (“Decision on Jurisdiction”).⁴

I. PROCEDURAL BACKGROUND

1. On 22 July 2021, the Pre-Trial Judge rendered the Decision on Jurisdiction wherein he granted certain aspects of the challenges raised, in part, and rejected the remainder of the challenges raised by the accused in this case.⁵
2. On 23 July 2021, Messrs Thaçi, Selimi and Krasniqi filed the First Request.⁶
3. On 26 July 2021, Mr Veseli filed the Second Request⁷ and the SPO filed the SPO Request.⁸

¹ IA009/F00001, 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, 23 July 2021.

² IA009/F0002, Veseli Defence Request for Variation of Time Limit to Appeal Decision KSC-BC-2020-06/F00142 (Decision on Motion Challenging Jurisdiction of the Specialist Chambers), 26 July 2021.

³ IA009/F0003, Prosecution Request for Extension of Time Limits, 26 July 2021.

⁴ F00412, Decision on Motions Challenging the Jurisdiction of the Specialist Chambers, 22 July 2021.

⁵ See Decision on Jurisdiction, para. 214.

⁶ See generally the First Request.

⁷ See generally the Second Request.

⁸ See generally the SPO Request.

II. DISCUSSION

4. The Requests all concern extensions of time in relation to appeals of the Decision on Jurisdiction. Accordingly, the Requests will all be addressed in the present decision.

5. In the First Request, Messrs Thaçi, Selimi and Krasniqi argue that the summer recess “is scheduled to commence on 24 July 2021 and last until 15 August 2021”, and given the “extraordinary circumstances” caused by the “Covid pandemic, a short period where deadlines are effectively suspended over this period” for the filing of their appeals against the Decision on Jurisdiction is warranted.⁹ Accordingly, Messrs Thaçi, Selimi and Krasniqi request the President “to find good cause [...] for a variation of the time and to order that the appeals against the [Decision on Jurisdiction] [...] be filed by Friday, 27 August 2021”.¹⁰

6. In addition, Mr Veseli requests “a variation of time” within which to file his appeal against the Decision on Jurisdiction on the basis that the forthcoming decision by the Pre-Trial Judge on his motion raising constitutional questions is interrelated to the Decision on Jurisdiction.¹¹ Accordingly, Mr Veseli requests that the President “vary the deadline for an appeal of the [Decision on Jurisdiction] in order to permit the Defence to submit grounds of appeal within [ten] days of the notification of the outstanding decision on constitutional challenges and no earlier than 27 August 2021”.¹²

7. Finally, the SPO also requests an extension of time to appeal the Decision on Jurisdiction “until ten days after notification of the decision on certain constitutional challenges or 27 August 2021, whichever is later”.¹³ The SPO further does not oppose

⁹ First Request, para. 7.

¹⁰ First Request, para. 8.

¹¹ Second Request, paras. 6-7.

¹² Second Request, para. 8. See also Second Request, para. 9.

¹³ SPO Request, para. 1.

the extensions sought by the accused and requests that if granted, the SPO be given “a commensurate extension of time – to 30 September 2021”.¹⁴

8. In this respect, the President recalls Article 32(3) of the Law, according to which the President “shall be responsible for the judicial administration of the Specialist Chambers and other functions conferred upon him or her by this Law”. One of the core administrative functions of the President pursuant to Article 33(1)-(3) of the Law and Rule 13(1)(c) of the Rules is to assign judges to judicial panels in order to address parties’ submissions and issue the necessary rulings or decisions.

9. According to Rule 9(5) of the Rules, “[t]he Panel may, *proprio motu* or upon showing of good cause: (a) extend or reduce any time limit prescribed by the Rules or set by the Panel [...]”. Rule 2 of the Rules defines a Panel as “[a]ny panel or individual judge assigned in accordance with Articles 25(1) and 33 of the Law, unless otherwise specified”. Thus, it is clear that ruling on a request for extension of time limits lies exclusively within the competence of an assigned Panel. In this case, that Panel should be a Court of Appeals Panel.

10. According to Article 33(1)(c) of the Law, an assignment to a Court of Appeals Panel shall take place “as soon as a motion for an interlocutory appeal in relation to a decision of a Pre-Trial Judge or a Trial Panel by right under Article 45(1) is filed [...]”. Further, Rule 169 of the Rules stipulates that “[p]ursuant to Article 33(1)(c) of the Law, the President shall assign a Court of Appeals Panel as soon as an interlocutory appeal is filed as of right [...], or as otherwise necessary”.

11. The accused and the SPO have not yet filed their appeals against the Decision on Jurisdiction. However, given the significance to rule on the Requests *sub judice* prior to the expiry of the deadline set out under Rule 170(1) of the Rules, the President deems it necessary to assign a Court of Appeals Panel in accordance with Rule 169 last

¹⁴ SPO Request, para. 1.

proposition of the Rules.

III. ASSIGNMENT

12. Having considered the criteria set forth in Rule 4 of the Rules on Assignment, including relevant experience and expertise as well as availability at this time,

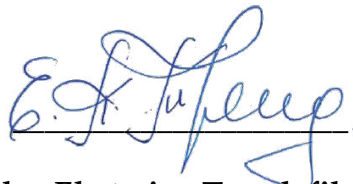
THE PRESIDENT HEREBY ASSIGNS:

Judge Michèle Picard

Judge Emilio Gatti

Judge Nina Jørgensen

to the Court of Appeals Panel to decide on the Requests.



**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Tuesday, 27 July 2021
At The Hague,
The Netherlands