



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: 10 August 2021

Language: English

Classification: **Public**

Decision on Veseli Request for Extension of Time Limit

Specialist Prosecutor
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THE PRE-TRIAL JUDGE,¹ pursuant to Article 41(10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law"), and Rules 9, 57(2) and 82(5) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 2 July 2021, the Pre-Trial Judge ordered Kadri Veseli's ("Mr Veseli") continued detention ("Second Detention Decision").² In said decision, the Pre-Trial Judge also ordered Mr Veseli, if he so wishes, to file submissions on the next review of detention either by no later than Thursday, 12 August 2021, with responses and replies following the timeline set out in Rule 76 of the Rules, or, by 26 August 2021, in response to the submissions of the Specialist Prosecutor's Office ("SPO") to be lodged on 16 August 2021.³

2. On 15 July 2021, Mr Veseli filed an appeal against the Second Detention Decision.⁴

3. On 21 July 2021, during the sixth status conference, the Pre-Trial Judge noted that some of the Accused, including Mr Veseli, had lodged appeals against the decisions on continued detention. He then enquired whether the Accused in the present case intended to request a postponement of the next review of detention, or whether they preferred the Pre-Trial Judge to review the detention of the Accused within two months after the last review of detention.⁵ The Defence for Mr Veseli stated that it

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

² KSC-BC-2020-06, F000380, Pre-Trial Judge, *Decision on Review of Detention of Kadri Veseli*, 2 July 2021, public, para. 57(a).

³ Second Detention Decision, para. 57(b) and (c).

⁴ KSC-BC-2020-06, IA008/F00001, Defence for Mr Veseli, *Veseli Appeal of Decision KSC-BC-2020-06/F00380 (First Detention Review)*, 15 July 2021, confidential.

⁵ KSC-BC-2020-06, Transcript, 21 July 2021 ("21 July 2021 Transcript"), public, p. 532, lines 10-18.

would not seek an extension and requested the Pre-Trial Judge to “continue with [his] obligation to review detention at the statutory period”.⁶

4. On 9 August 2021, the Defence for Mr Veseli reassessed its position and requested a variation of time to provide submissions on the next review of detention until ten days of receipt of the decision of the Court of Appeals Panel in respect of the pending appeal (“Request”).⁷ Mr Veseli also indicated to waive his right to have his detention reviewed by the Pre-Trial Judge in the interim.⁸

II. APPLICABLE LAW

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, a motion for variation of time may be disposed of without giving the opposing Party the opportunity to be heard.

7. Pursuant to Rule 82(5) of the Rules, the Panel may reclassify a filing *proprio motu*, where the basis for the reclassification no longer exists.

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.

⁶ 21 July 2021 Transcript, p. 533, lines 13-15.

⁷ KSC-BC-2020-06, F00429, Defence for Mr Veseli, *Veseli Defence Request With Respect to the Second Detention Review*, 9 July 2021, confidential, paras 2-3.

⁸ Request, para. 2.

III. DISCUSSION

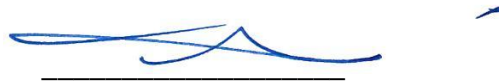
9. Noting the waiver of Mr Veseli to have his detention reviewed within the statutory period, and the fact that Mr Veseli's submissions on detention would benefit from considering the impending decision of the Court of Appeals Panel on his appeal against the Second Detention Decision, the Pre-Trial Judge finds that good cause has been shown, warranting the requested extension of time.

10. Noting that the Defence has not stated the reasons for the classification of its Request as confidential and considering, upon careful review, that the Request does not reveal any confidential information, the Pre-Trial Judge reclassifies the Request as public, pursuant to Rule 82(5) of the Rules.

IV. DISPOSITION

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

- (a) **GRANTS** the Request and **ORDERS** Mr Veseli to provide submissions on whether reasons for continued detention still exist by no later than **ten days after notification of the decision of the Court of Appeals Panel** on his pending appeal against the Second Detention Decision, with responses and replies following the timeline set out in Rule 76 of the Rules;
- (b) **ORDERS** the SPO, should Mr Veseli decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Veseli's detention by no later than **ten days after Mr Veseli's deadline**, and Mr Veseli, if he wishes to do so, to file his submissions by no later than ten days after the SPO deadline; and
- (c) **ORDERS** the Registrar to reclassify the Request (F00429) as public.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 10 August 2021
At The Hague, the Netherlands.