

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

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 25 August 2021

Language: English

Classification: Public

Thaçi Defence Request for an Extension of Time for Submissions on Review of Detention

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 Alagenda

1. On 23 July 2021, the Pre-Trial Judge ordered the continued detention of Mr. Thaçi.¹ In this decision, the Pre-Trial Judge ordered Mr. Thaçi, “if he wishes to do so, to file submissions on the next review of detention by no later than **Wednesday, 31 August 2021**”.²

2. On 16 August 2021, the Defence for Mr. Thaçi (“Defence”) filed an appeal against the Decision on Review of Detention.³ A Court of Appeals Panel has not yet been assigned, and the parties are still in the process of filing submissions in relation to the Appeal, in accordance with the timeframes set in Rule 170.⁴ A decision by the Court of Appeals Panel in respect of the pending Appeal (“Appeal Decision”) is therefore not expected for some time.

3. In accordance with Rule 9(5)(a) of the Rules of Procedure and Evidence of the Kosovo Specialist Chambers (“Rules”), the Defence requests a variation of the time limit set by the Pre-Trial Judge to file submissions on the next review of detention in order that such submissions be provided, if necessary, within ten days of receipt of the relevant Appeal Decision.

4. Good cause exists for the requested extension. The Defence submits that further submissions on whether reasons for continued detention still exist would benefit from being made following receipt and consideration of the Appeal Decision. In particular, the Appeal Decision will be the first opportunity for the Court of Appeals Panel to

¹ KSC-BC-2020-06/F00417, Pre-Trial Judge, Decision on Review of Detention of Hashim Thaçi, 23 July 2021 (“Decision on Review of Detention”).

² Decision on Review of Detention, para. 64(b).

³ KSC-BC-2020-06/IA010/F00004, Thaçi Defence, Thaçi Defence Appeal against Decision on Review of Detention of Hashim Thaçi, 16 August 2021 (“Appeal”).

⁴ A response by the SPO to the Appeal must be filed no later than 27 August 2021, and the Defence will have five days from the date of notification of this response to file a reply (if it chooses to do so): see Rule 170(1).

consider the issues surrounding provisional release to a Third State. Their findings on this issue will therefore likely impact future submissions.

5. The Defence also notes that extensions have been granted to each of the other Accused, who are all similarly awaiting decisions by the Court of Appeals Panel.⁵

6. Considering the requested extension requires the waiver of Mr. Thaçi's right to have his detention reviewed on a two-monthly basis, in accordance with Article 41(10) of the Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rule 57(2) of the Rules, the Defence confirms that, exceptionally, Mr. Thaçi waives his right to review of the detention.

7. Accordingly, the Defence respectfully requests the Pre-Trial Judge to:

FIND that good cause exists pursuant to Rule 9(5)(a) of the Rules for a variation of the time limit; and

ORDER that submissions on whether reasons for continued detention still exist be filed, if necessary, within ten days of receipt of the relevant Appeal Decision.

Word count: 535 words

⁵ KSC-BC-2020-06/F00430, Pre-Trial Judge, Decision on Veseli Request for an Extension of Time Limit, 10 August 2021; KSC-BC-2020-06/F00419, Pre-Trial Judge, Decision on Selimi Request for Extension of Time Limit, 26 July 2021; KSC-BC-2020-06, Transcript of Sixth Status Conference, 21 July 2021, p. 536, lines 10-23.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'G. W. Kehoe', is written over a white rectangular redaction box.

Gregory W. Kehoe

Counsel for Hashim Thaçi

Wednesday, 25 August 2021

At Tampa, United States