



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: 26 August 2021

Language: English

Classification: Public

Decision on Thaçi Request for Extension of Time Limit

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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 and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 23 July 2021, the Pre-Trial Judge ordered Hashim Thaçi's ("Mr Thaçi") continued detention ("Second Detention Decision").² In that decision, the Pre-Trial Judge also ordered Mr Thaçi, if he so wishes, to file submissions on the next review of detention either by no later than Wednesday, 31 August 2021, with responses and replies following the timeline set out in Rule 76 of the Rules, or, by Friday, 16 September 2021, in response to the submissions of the Specialist Prosecutor's Office ("SPO") to be lodged on Monday, 6 September 2021.³

2. On 16 August 2021, Mr Thaçi filed an appeal against the Second Detention Decision.⁴

3. On 25 August 2021, Mr Thaçi filed a request for an extension of the time limit to provide submissions on the next review of detention, if necessary, until ten days of receipt of the decision issued by the Court of Appeals Panel in respect of the pending appeal ("Request").⁵ He submits that good cause exists for the requested extension, as any future submissions on review of detention, if necessary, would benefit from being made following receipt and consideration of the decision of the Court of Appeals

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

² KSC-BC-2020-06, F00417, Pre-Trial Judge, *Decision on Review of Detention of Hashim Thaçi*, 23 July 2021, confidential, para. 64(a). A public redacted version was filed on the same day, F00417/RED.

³ Second Detention Decision, para. 64(b) and (c).

⁴ KSC-BC-2020-06, IA010/F00004, Defence for Mr Thaçi, *Thaçi Defence Appeal against Decision on Review of Detention of Hashim Thaçi*, 16 August 2021, confidential.

⁵ KSC-BC-2020-06, F00441, Defence for Mr Thaçi, *Thaçi Defence Request for an Extension of Time for Submissions on Review of Detention*, 25 August 2021, public.

Panel, especially in light of the fact that the latter will consider for the first time the issues surrounding provisional release to a Third State.⁶

II. APPLICABLE LAW

4. 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.

5. 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.

6. 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.

III. DISCUSSION

7. Having considered the reasons put forward by Mr Thaçi, in particular the fact that his submissions on detention would benefit from considering the impending decision of the Court of Appeals Panel, the Pre-Trial Judge finds that good cause has been shown, warranting the requested extension of time. In this context, the Pre-Trial Judge notes that Mr Thaçi has waived his right to have his detention reviewed before the expiry of the two-month time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules.⁷


⁶ Request, para. 4.

⁷ Request, para. 6.

IV. DISPOSITION

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

- (a) **GRANTS** the Request and **ORDERS** Mr Thaçi 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; and
- (b) **ORDERS** the SPO, should Mr Thaçi decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Thaçi's detention by no later than **ten days after Mr Thaçi's deadline**, and Mr Thaçi, if he wishes to do so, to file his submissions by no later than ten days after the SPO deadline.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Thursday, 26 August 2021
At The Hague, the Netherlands.