



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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: 6 September 2021

Language: English

Classification: Public

Consolidated Decision on Requests for Extension of Time

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(1) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Rule 9 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 22 July 2021, the Pre-Trial Judge issued the Decision on Defence Motions Alleging Defects in the Form of the Indictment ("22 July 2021 Decision").²
2. On 27 August 2021, the Defence teams for Messrs Selimi, Krasniqi and Thaçi requested certification to appeal the 22 July 2021 Decision ("Certification Requests").³
3. On 31 August 2021, the Pre-Trial Judge issued the Decision on Motions Challenging the Legality of the SC and SPO and Alleging Violations of Certain Constitutional Rights of the Accused ("31 August 2021 Decision").⁴
4. On 2 September 2021, the Specialist Prosecutor's Office ("SPO") filed a request to extend the time limit to respond to the Certification Requests to 30 September 2021 ("SPO Request").⁵ It submits that good cause exists for the requested extension in view of: (i) the time which the Defence teams had to prepare the Certification Requests,

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

² KSC-BC-2020-06, F00413, Pre-Trial Judge, *Decision on Defence Motions Alleging Defects in the Form of the Indictment* ("22 July 2021 Decision"), 22 July 2021, confidential. A public redacted version was issued on the same day, F00413/RED.

³ KSC-BC-2020-06, F00445, Specialist Counsel, *Defence Request for Certification to Appeal the Decision on Defence Motions Alleging Defects in the Form of the Indictment*, 27 August 2021, public; F00446, Specialist Counsel, *Krasniqi Defence Request for Certification to Appeal the "Decision on Defence Motions Alleging Defects in the Form of the Indictment"*, 27 August 2021, public; F00447, Specialist Counsel, *Thaçi Defence Request for Certification to Appeal the "Decision on Defence Motions Alleging Defects in the Form of the Indictment"*, 27 August 2021, public ("Certification Requests").

⁴ KSC-BC-2020-06, F00450, Pre-Trial Judge, *Decision on Motions Challenging the Legality of the SC and SPO and Alleging Violations of Certain Constitutional Rights of the Accused* ("31 August 2021 Decision"), 31 August 2021 (notified on 1 September 2021), public.

⁵ KSC-BC-2020-06, F00451, Specialist Prosecutor, *Prosecution Request for Extension of Time Limit to Respond to Leave to Appeal Requests on Decision KSC-BC-2020-06/F00413* ("SPO Request"), 2 September 2021, public, para. 2.

(ii) the number of Certification Requests; (iii) the number of separate issues raised (namely 32); (iv) the detailed nature and complexity of the issues raised; and (v) the limited degree of overlap between the issues raised.⁶

5. On 2 September 2021, the Defence for Mr Thaçi (“Thaçi Defence”) filed a request to extend the time limit to request certification to appeal the 31 August 2021 Decision until 17 September 2021 (“Thaçi Defence Request”).⁷ It avers that good cause exists for the requested extension in view of: (i) the complexity and novel nature of the issues adjudicated in the 31 August 2021 Decision; (ii) the need to seek effective instructions and consult internally about whether certain challenges should indeed be pursued on appeal; and (iii) the fact that the requested variation is reasonable and limited.⁸

II. APPLICABLE LAW

6. Pursuant to Rule 9(5)(a) of the Rules, the Pre-Trial Judge may *proprio motu* or upon showing of good cause reduce any time limit prescribed by the Rules or set by the Panel.

7. 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.

III. DISCUSSION

8. Having considered the reasons put forward by the SPO, in particular the extension of time granted to the Defence teams to submit the Certification Requests,⁹

⁶ SPO Request, para. 2, footnote 6.

⁷ KSC-BC-2020-06, F00452, Specialist Counsel, *Thaçi Defence Request for an Extension of Time for Request for Certification to Appeal “Decision on Motions Challenging the Legality of the SC and SPO and Alleging Violations of Certain Constitutional Rights of the Accused”* (“Thaçi Defence Request”), 2 September 2021 (notified on 3 September 2021), public, paras 3, 8.

⁸ Thaçi Defence Request, paras 4-7.

⁹ 22 July 2021 Decision, paras 178, 179(g).

the number of Certification Requests and separate issues raised, and the detailed nature and complexity of the issues raised, the Pre-Trial Judge finds that good cause has been demonstrated, warranting the requested extension of time.

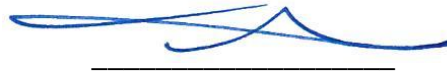
9. Furthermore, having considered the reasons put forward by the Thaçi Defence, in particular the complexity and novel nature of the issues adjudicated in the 31 August 2021 Decision and the consequent time required to define the Defence's strategy, the Pre-Trial Judge finds that good cause has been demonstrated, warranting the requested extension of time. For the same reasons and in view of the need to maintain a consistent filing schedule, the Pre-Trial Judge *proprio motu* grants the same extension of time to the remaining relevant Defence teams in the present case should they wish to seek certification to appeal the 31 August 2021 Decision.

10. Considering that the requested variations are rather limited and noting the impending deadlines for the SPO to respond to the Certification Requests and for the Defence to seek certification to appeal the 31 August 2021 Decision, no prejudice has been caused to the various Defence teams, the SPO or Victims' Counsel in issuing the present decision prior to receiving their responses to the SPO Request and/or the Thaçi Defence Request, as the case may be, in accordance with Rule 9(6) of the Rules.

DISPOSITION

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

- (a) **GRANTS** the SPO Request and **ORDERS** the SPO to respond to the Certification Requests by no later than **Thursday, 30 September 2021**;
- (b) **GRANTS** the Thaçi Defence Request and **ORDERS** the Thaçi Defence to request certification to appeal the 31 August 2021 Decision by no later than **Friday, 17 September 2021**; and
- (c) **ORDERS**, *proprio motu*, the remaining relevant Defence teams to request certification to appeal the 31 August 2021 Decision by no later than **Friday, 17 September 2021** should they wish to do so.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Monday, 6 September 2021

At the Hague, the Netherlands.