



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2020-06
Specialist 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 Prosecutor

Date: 23 September 2021

Language: English

Classification: Public

Prosecution request for extension of time limit

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1. Pursuant to Rule 9(5)(a) of the Rules,¹ the Specialist Prosecutor's Office ('SPO') requests a one-week extension of applicable time limits to respond to a Rule 102(3) request submitted by the Thaci defence.
2. On 14 September 2021, by way of two e-mails,² the Thaci defence requested disclosure pursuant to Rule 102(3) of four categories of materials from the SPO's Rule 102(3) notice, amounting to 3,466 items in total ('Request').
3. Given the overall volume and length of the items at issue in the Request, as well as other concurrent Rule 102(3) deadlines,³ good cause⁴ exists for the extension requested. The requested extension would also facilitate ongoing *inter partes* efforts aimed at avoiding unnecessary litigation in relation to the Request.⁵ Following assessment of materiality, and the possible need to prepare a submission challenging materiality for certain items, time will be needed to complete a careful protective measures review. In addition to applying any necessary standard redactions, in the event non-standard

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless indicated otherwise, all references to 'Rule' or 'Rules' are to the Rules.

² Email dated 14 September 2021 at 11:53; Email dated 14 September 2021 at 18:38.

³ Up to 16 September 2021 the SPO was completing disclosure of a Rule 102(3) request from the Veseli Defence, processing for disclosure of material relating to a Krasniqi Defence request is ongoing, and the SPO has subsequently received requests from the Thaçi Defence for two further categories of material (e-mail of 21 September 2021), which is also currently undergoing review.

⁴ Rule 9(5)(a) provides that '[t]he Panel may, *proprio motu* or upon showing of good cause [,] extend or reduce any time limit prescribed by the Rules or set by the Panel'.

⁵ For example, in respect of two categories of the Request, the SPO has contacted the Thaçi Defence by email explaining why a certain portion of the items are assessed as not being material and asking whether the Defence nonetheless still wishes to seek disclosure of them. Materiality review for a portion of the materials sought in the Request remains ongoing, and it is therefore possible that further items requiring *inter partes* discussion or – in the absence of agreement – litigation, may be identified.

redactions are required, adequate time would be necessary to prepare the relevant protective measures motion.

4. The SPO acknowledges, and apologises for, the fact that this request is being submitted one day before the applicable deadline for challenges to materiality. Having endeavoured to complete the materiality review for this relatively large volume of material within the 10-day timeframe, it was only after items for which materiality may concretely be in dispute had been identified (and efforts to resolve the matter without litigation had been initiated), that it became apparent an extension would be necessary and beneficial. No prejudice arises from ruling on this request, noting that any *inter partes* agreement which may be reached would ultimately expedite processing of the Request, and the limited nature of the extension being sought.

5. For the above-stated reasons, the SPO respectfully asks the Pre-Trial Judge to grant (i) in relation to any materiality challenge, a one-week extension to 1 October 2021, and (ii) to similarly extend the related deadline for disclosure and/or any protective measures request by one week.

Word count: 551



Jack Smith

Specialist Prosecutor

Thursday, 23 September 2021

At The Hague, the Netherlands.