



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:** 24 September 2021

**Language:** English

**Classification:** Public

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**Decision on Prosecution Request for Extension of Time Limit to Respond to Leave  
to Appeal Requests on Decision KSC-BC-2020-06/F00450**

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**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Article 39(13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 9 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this order.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. 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").<sup>2</sup>

2. On 2 September 2021, the Defence for Hashim 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").<sup>3</sup>

3. On 6 September 2021, the Pre-Trial Judge granted the Thaçi Defence Request for an extension of time and ordered, *proprio motu*, the remaining relevant Defence teams to request certification to appeal the 31 August 2021 Decision by 17 September 2021 as well.<sup>4</sup>

4. On 17 September 2021, the Thaçi Defence and the Defence for Kadri Veseli (collectively, the "Defence") filed motions requesting leave to appeal the 31 August 2021 Decision ("Defence Motions").<sup>5</sup>

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

<sup>2</sup> 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 (notified on 1 September 2021), public.

<sup>3</sup> 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"*, 2 September 2021 (notified on 3 September 2021), public, paras 3, 8.

<sup>4</sup> KSC-BC-2020-06, F00458, Pre-Trial Judge, *Consolidated Decision on Requests for Extension of Time*, 6 September 2021, public, para. 11.

<sup>5</sup> KSC-BC-2020-06, F00473, Defence for Hashim Thaçi, *Thaçi Defence Request for Certification to Appeal the "Decision on Motions Challenging the Legality of the SC and the SPO and Alleging Violations of Certain Constitutional Rights of the Accused"*, 17 September 2021, public; F00474, Defence for Kadri Veseli, *Veseli*

5. On 24 September 2021, the Specialist Prosecutor's Office ("SPO") filed a request for extension of time to 6 October 2021 in order to respond to the Defence Motions ("Request").<sup>6</sup> The SPO argues that good cause for the extension exists as a result of: (i) the complex and novel nature of the matters adjudicated in the 31 August 2021 Decision; (ii) the number of issues for which leave to appeal has been sought in the Defence Motions; (iii) the concurrent complex litigation deadlines faced by the SPO; and (iv) the fact that an extension of time was granted to the Defence for the preparation of the Defence Motions.<sup>7</sup>

## II. APPLICABLE LAW

6. Pursuant to Rule 9(5)(a) of the Rules, the Panel may, *proprio motu* or upon a showing of good cause, extend or 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. In relation to the requested extension of time, the Pre-Trial Judge considers that the complex and novel nature of the matters adjudicated in the 31 August 2021 Decision and the number of issues for which leave to appeal has been sought warrants additional time for the SPO to respond. The Pre-Trial Judge further considers that an extension of time was granted to the Defence for the preparation of their Defence

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*Defence Application for Leave to Appeal Decision on Motion to Challenge Jurisdiction on the Basis of Violations of the Constitution (KSC-BC-2020-06/F00450)*, 17 September 2021, public.

<sup>6</sup> KSC-BC-2020-06, F00488, Pre-Trial Judge, *Request for Extension of Time Limit to Respond to Leave to Appeal Requests on Decision KSC-BC-2020-06/F00450*, 24 September 2021, public.

<sup>7</sup> Request, para. 2.

Motions. The Pre-Trial Judge accordingly finds that good cause has been shown, warranting the requested extension of time.

9. For the same reasons, the Pre-Trial Judge, *proprio motu*, grants an extension of time to the Defence to reply to the SPO's response.

10. Finally, as the Defence will be granted additional time to reply to the response of the SPO, the Pre-Trial Judge considers that no prejudice towards the Defence will arise through the extension of the SPO's deadline.

#### IV. DISPOSITION

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

- a) **GRANTS** the Request;
- b) **EXTENDS** the SPO's deadline for filing a response to Defence Motions to **Wednesday, 6 October 2021**; and
- c) **EXTENDS**, *proprio motu*, the deadline for any replies to the SPO's response to **Monday, 18 October 2021**.



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**Judge Nicolas Guillou**  
**Pre-Trial Judge**

Dated this Friday, 24 September 2021  
At The Hague, the Netherlands