



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: 28 September 2021

Language: English

Classification: Public

Decision on Prosecution Request for Extension of Time Limit

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 9, 95(2)(b) and 102(3) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this order.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 23 November 2020, the Pre-Trial Judge ordered that, *inter alia*, the Specialist Prosecutor's Office ("SPO") provide a detailed notice of the evidence falling under Rule 102(3) of the Rules ("Notice") by Friday, 30 April 2021.²
2. On 24 March 2021³ and 24 June 2021,⁴ the Pre-Trial Judge extended the SPO's deadline for filing the Notice.
3. On 31 July 2021, the SPO filed the Notice.⁵
4. On 8 September 2021, the Pre-Trial Judge further amended deadlines in relation to the disclosure of Rule 102(3) material and ordered the SPO to provide further details to the Defence, within two weeks from each of the Defence's enquiries, or at any time earlier.⁶
5. On 24 September 2021, the Defence teams for Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi filed a joint notification requesting further details with respect to the Notice ("Joint Defence Notification").⁷

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

² KSC-BC-2020-06, F00099, Pre-Trial Judge, *Framework Decision on Disclosure and Related Matters*, 23 November 2020, public, para. 99(f).

³ KSC-BC-2020-06, Transcript of Hearing, 24 March 2021, public, p. 390, line 17 to p. 391, line 10.

⁴ KSC-BC-2020-06, F00370, Pre-Trial Judge, *Decision on Prosecution Request for Extension of Time Limit to Provide its Rule 102(3) Notice*, 24 June 2021, public.

⁵ KSC-BC-2020-06, F00421, Specialist Prosecutor, *Prosecution Rule 102(3) Notice*, 30 July 2021, public, with Annex 1, confidential, and Annex 2, strictly confidential and *ex parte*.

⁶ KSC-BC-2020-06, F00460, Pre-Trial Judge, *Decision on the Defence Request for an Amended Rule 102(3) Notice*, 8 September 2021, public, para. 27(d).

⁷ KSC-BC-2020-06, F00489, Defence, *Joint Defence Notification with Respect to SPO Rule 102(3) Notice*, 24 September 2021, public, with Annex 1, confidential.

6. On 28 September 2021, the SPO requested an extension of its deadline to 22 October 2021 in order to respond to the Joint Defence Notification given that: (i) all four defendants filed their requests simultaneously; (ii) the request for additional descriptions relates to 24,000 items; (iii) time is required for security assessments; and (iv) the SPO is concurrently addressing multiple Rule 102(3) disclosure requests ("Request").⁸

II. APPLICABLE LAW

7. 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.

8. 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.

9. Rule 95(2)(b) provides that the Pre-Trial Judge shall set time limits for disclosure.

10. Pursuant to Rule 102(3) of the Rules, the Specialist Prosecutor shall, pursuant to Article 21(6) of the Law, provide a detailed notice to the Defence of any material and evidence in his or her possession.

III. DISCUSSION

11. In relation to the requested extension of time, the Pre-Trial Judge considers that additional time will be needed for the SPO to process the volume of items identified in the Joint Defence Notification and that the requested extension will facilitate security assessments in relation to those items.⁹

⁸ KSC-BC-2020-06, F00494, Specialist Prosecutor, *Prosecution Request for Extension of Time Limit to Respond to F00489*, 28 September 2021, public, paras 1-2.

⁹ Request, para. 2.

12. In addition, as disclosure of Rule 102(3) material remains ongoing and the requested extension of time will facilitate provision of the Notice with additional details, the Pre-Trial Judge does not consider that any prejudice towards the Defence will arise through a limited extension of the SPO's deadline to 22 October 2021.

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

IV. DISPOSITION

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

- a) **GRANTS** the Request; and
- b) **EXTENDS** the SPO's deadline to respond to the Joint Defence Notification to **Friday, 22 October 2021**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 28 September 2021
At The Hague, the Netherlands