



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: 11 October 2021

Language: English

Classification: Public

**Decision Varying the Time Limit for a Decision on the Selimi Defence Request
for Certification to Appeal the Decision on Defence Motions Alleging Defects in
the Form of the Indictment**

Specialist Prosecutor

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Counsel for Jakup Krasniqi

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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 and Rule 9 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 22 July 2021, the Pre-Trial Judge issued the "Decision on Defence Motions Alleging Defects in the Form of the Indictment" ("Impugned Decision").²
2. On 27 August 2021, the Defence for Rexhep Selimi, the Defence for Jakup Krasniqi and the Defence for Hashim Thaçi (collectively, the "Defence") requested certification to appeal the Impugned Decision (respectively, "Selimi Defence Request", "Krasniqi Defence Request" and "Thaçi Defence Request", and collectively, "Defence Requests").³
3. On 30 September 2021, the Specialist Prosecutor ("SPO") responded to the Defence Requests.⁴

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, confidential. A public redacted version was issued the same day, F00413/RED.

³ KSC-BC-2020-06, F00445, Defence for Rexhep Selimi, *Defence Request for Certification to Appeal the Decision on Defence Motions Alleging Defects in the Form of the Indictment*, 27 August 2021, public; F00446, Defence for Jakup Krasniqi, *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, Defence for Hashim Thaçi, *Thaçi Defence Request for Certification to Appeal the "Decision on Defence Motions Alleging Defects in the Form of the Indictment"*, 27 August 2021, public.

⁴ KSC-BC-2020-06, F00500, Specialist Prosecutor, *Prosecution Response to Jakup Krasniqi's Request for Certification to Appeal the Decision on Defence Motions Alleging Defects in the Form of the Indictment*, 30 September 2021, confidential; F00502, Specialist Prosecutor, *Prosecution Response to Rexhep Selimi's Request for Certification to Appeal the Decision on Defence Motions Alleging Defects in the Form of the Indictment*, 30 September 2021, public; F00503, Specialist Prosecutor, *Prosecution Response to Hashim Thaçi's Request for Certification to Appeal the Decision on Defence Motions Alleging Defects in the Form of the Indictment*, 30 September 2021, public.

4. On 8 October 2021, the Defence for Jakup Krasniqi and the Defence for Hashim Thaçi replied to the SPO's responses.⁵ The Defence for Rexhep Selimi did not file a reply.

II. APPLICABLE LAW

5. Rule 77(3) of the Rules provides that, when a Party requests certification to appeal a decision of a Panel, the Panel shall render a reasoned decision within seven days of the last submission from the Parties or Victims' Counsel, where applicable.

6. Pursuant to Rule 9(5)(a) of the Rules, a 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.

III. DISCUSSION

7. The Pre-Trial Judge notes that the time limit prescribed by Rule 77(3) of the Rules runs as follows: (i) for the Selimi Defence Request, from the SPO's response to said request; and (ii) for the Krasniqi Defence Request and the Thaçi Defence Request, from the replies of the two respective Defence teams.


8. Considering that the Defence Requests all relate to the same Impugned Decision and the issues for which the Defence seek certification overlap, the Pre-Trial Judge decides to vary the time limit for the issuance of a decision on the Selimi Defence Request to 18 October 2021.

⁵ KSC-BC-2020-06, F00511, Defence for Jakup Krasniqi, *Krasniqi Defence Reply to the Prosecution Response to Jakup Krasniqi's Request for Certification to Appeal the Decision on Defence Motions Alleging Defects in the Form of the Indictment*, 8 October 2021, confidential; F00512, Defence for Hashim Thaçi, *Thaçi Defence Reply to SPO's Response to the Request for Certification to Appeal the "Decision on Defence Motions Alleging Defects in the Form of the Indictment"*, 8 October 2021, public.

IV. DISPOSITION

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

- a. **VARIES** the time limit for the issuance of a decision on the Selimi Defence Request to **Monday, 18 October 2021**; and
- b. **ORDERS** the SPO and the Krasniqi Defence to file public redacted versions of their respective submissions F00500 and F00511 by **Thursday, 14 October 2021**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Monday, 11 October 2021

At The Hague, the Netherlands