



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:** 14 October 2021

**Language:** English

**Classification:** Public

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**Prosecution request for extension of time limit**

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**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
David Young

**Counsel for Jakup Krasniqi**  
Venkateswari Alagenda

1. Pursuant to Rule 9(5)(a) of the Rules,<sup>1</sup> the Specialist Prosecutor's Office ('SPO') requests a five-week extension of applicable time limits to respond to a Rule 102(3) request submitted by the Krasniqi defence and, in light of experience to date, a variation of applicable deadlines for future Rule 102(3) requests.
2. On 7 October 2021, by way of e-mail,<sup>2</sup> the Krasniqi defence requested disclosure pursuant to Rule 102(3) of 5945 items ('Request').
3. The Request not only amounts to a substantial overall volume of nearly 6000 items, but also encompasses a variety of different types and lengths of documents in at least ten different languages, consequently requiring careful review. Additionally, and significantly, applicable deadlines for review and processing of the Request overlap with other concurrent Rule 102(3) deadlines for large volumes of items,<sup>3</sup> as well as deadlines for other SPO obligations, including providing revised descriptions for the Rule 102(3) notice on 22 October 2021. As such, good cause<sup>4</sup> exists for the extension requested. The requested extension would also facilitate *inter partes* efforts aimed at avoiding unnecessary litigation in relation to the Request, as has now been done successfully between the SPO and several Defence teams regarding various Rule 102(3) requests. 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,

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<sup>1</sup> 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.

<sup>2</sup> Email dated 7 October 2021 at 15:44.

<sup>3</sup> The Request is the seventh Rule 102(3) received since 8 September 2021 and brings the number of items requested since then over 10.000.

<sup>4</sup> 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'.

in the event non-standard redactions are required, adequate time would be necessary to prepare the relevant protective measures motion.

4. No prejudice arises from ruling on this request, noting the (relatively) limited nature of the extension being sought in relation to the volume of items requested.

5. For future Rule 102(3) requests, the SPO respectfully requests the Pre-Trial Judge to amend the existing deadlines both for materiality review and disclosure. The processing of the requests received so far has shown that it is of the utmost importance to carefully and individually review each requested item to make sure protective measures are respected or sought where necessary. The fact that the SPO is handling numerous Rule 102(3) requests from different Defence teams simultaneously makes the number of items under review very substantial at all times, even if some of the requests are more limited than others. An amendment of the deadlines as currently sought would also allow more time for *inter partes* communications. Such communications, which in itself take at least several days and for voluminous requests possibly more, have so far led both to Defence teams withdrawing requests for specific items and to the SPO not challenging materiality where it considered doing so before receiving more information from the Defence. Enough time to engage in such communications, which are currently being conducted under substantial time pressure, is conducive both to achieve optimal disclosure and to avoid unnecessary litigation.

6. For the above-stated reasons, the SPO respectfully asks the Pre-Trial Judge to:
- a. grant for the Request (i) in relation to any materiality challenge, a five-week extension to 23 November 2021 and (ii) to similarly extend the related deadline for disclosure and/or any protective measures by two weeks to 7 December 2021;
  - b. vary applicable deadlines for future Rule 102(3) requests to three weeks for any materiality challenge and six weeks for disclosure and/or any protective measures.

**Word count: 641**



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**Jack Smith**

**Specialist Prosecutor**

Thursday, 14 October 2021

At The Hague, the Netherlands.