



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:** 5 November 2021

**Language:** English

**Classification:** Public

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**Decision on Thaçi Request for Extension of Time Limit**

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**Specialist Prosecutor**  
Jack Smith

**Counsel for Hashim Thaçi**  
Gregory Kehoe

**Counsel for Victims**  
Simon Laws

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
David Young

**Counsel for Jakup Krasniqi**  
Venkateswari Alagendra

**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Article 41(10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 9(5)(a) and (6) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 23 July 2021, the Pre-Trial Judge ordered the continued detention of Hashim Thaçi ("Mr Thaçi") ("Second Detention Decision").<sup>2</sup>

2. On 26 August 2021, the Pre-Trial Judge, further a request by the Defence for Mr Thaçi ("Defence"),<sup>3</sup> ordered the Defence to provide submissions on whether reasons for the continued detention of Mr Thaçi still exist by no later than ten days after notification of the decision of the Court of Appeals on its appeal against the Second Detention Decision.<sup>4</sup>

3. On 27 October 2021, the Court of Appeals rejected the Defence's appeal against the Second Detention Decision ("Court of Appeals Decision").<sup>5</sup>

4. On 5 November 2021, the Defence requested a variation of the time limit to file submissions on the review of Mr Thaçi's detention in order that such submissions be provided by 16 November 2021.<sup>6</sup> According to the Defence, good cause exists for the requested extension as, in light of the Court of Appeals

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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, F00417, Pre-Trial Judge, *Decision on Review of Detention of Hashim Thaçi*, 23 July 2021, confidential, para. 64(a). A public redacted version was filed on the same day, F00417/RED.

<sup>3</sup> KSC-BC-2020-06, F00441, Defence for Mr Thaçi, *Thaçi Defence Request for an Extension of Time for Submissions on Review of Detention*, 25 August 2021, public.

<sup>4</sup> KSC-BC-2020-06, F00443, Pre-Trial Judge, *Decision on Thaçi Request for Extension of Time Limit*, 26 August 2021, public, paras 7-8.

<sup>5</sup> KSC-BC-2020-06, IA010/F00008, Court of Appeals, *Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention*, 27 October 2021, confidential. A public redacted version was issued on the same day, IA010/F00008/RED.

<sup>6</sup> KSC-BC-2020-06, F00558, Defence for Mr Thaçi, *Thaçi Defence Request for an Extension of Time for Submissions on Review of Detention*, 5 November 2021, public, paras 6, 9.

Decision, the Defence requires further time to gather documents in support of Mr Thaçi's interim release, in particular with regard to the feasibility of house arrest.<sup>7</sup> The Defence further confirms that, exceptionally, Mr Thaçi waives his right to have his detention reviewed on a two-monthly basis.<sup>8</sup>

## II. APPLICABLE LAW

5. Article 41(10) of the Law and Rule 57(2) of the Rules provide that, until a judgment is final or until release, upon the expiry of two (2) months from the last ruling on detention on remand, the Pre-Trial Judge or Panel seized with the case shall examine whether reasons for detention on remand still exist and render a ruling by which detention on remand is extended or terminated.

6. Pursuant to Rule 9(5)(a) of the Rules, the Pre-Trial Judge may, *proprio motu* or upon 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. Having considered the reasons put forward by the Defence, in particular that it requires further time to gather documents in support of its submissions on the review of Mr Thaçi's detention, the Pre-Trial Judge finds that good cause has been demonstrated, warranting the requested extension of time. In this regard, the Pre-Trial Judge further notes that Mr Thaçi has waived his right to have his detention

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

<sup>8</sup> Request, para. 8.

reviewed before the expiry of the two-month time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules. The Pre-Trial Judge also finds that the Request has been filed sufficiently in advance of the expiry of the time limit at issue.

9. In view of the limited extension of the time limit, the Pre-Trial Judge considers that no prejudice has been caused to the SPO in issuing the present decision prior to receiving its response to the Request.

#### IV. DISPOSITION

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

- a) **GRANTS** the Request and **ORDERS** the Defence to provide submissions on the review of Mr Thaçi's detention by no later than **Tuesday, 16 November 2021**, with the response and the reply following the timeline set out in Rule 76 of the Rules.



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

Dated this Friday, 5 November 2021

At The Hague, The Netherlands.