



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: 16 December 2021

Language: English

Classification: **Public**

Decision on Thaçi Request for Extension of Time Limit

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THE PRE-TRIAL JUDGE,¹ 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), (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 14 December 2021, the Pre-Trial Judge ordered Hashim Thaçi's ("Mr Thaçi") continued detention ("Detention Decision").² In the Detention Decision, the Pre-Trial Judge ordered Mr Thaçi, if he so wished, to file submissions on the next review of detention by no later than Monday, 17 January 2022.³

2. On 15 December 2021, during the ninth status conference and upon the Defence request, the Pre-Trial Judge extended the time limit for Jakup Krasniqi, Kadri Veseli and Rexhep Selimi to provide their submissions on the next review of detention until no later than 10 days after notification of the respective decisions of the Court of Appeals on their pending appeals against the decisions on continued detention.⁴

3. During the same status conference, Mr Thaçi requested the Pre-Trial Judge to grant him a similar extension of time, namely to be authorised to provide submissions on the next review of detention no later than 10 days after notification of the decision of the Court of Appeals on his upcoming appeal against the Detention Decision ("Request").⁵

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

² KSC-BC-2020-06, F00624, Pre-Trial Judge, *Decision on Review of Detention of Hashim Thaçi*, 14 December 2021 (notified on 15 December 2021), confidential.

³ Detention Decision, para. 103(b).

⁴ KSC-BC-2020-06, Transcript, 15 December 2021 ("15 December 2021 Transcript"), public, p. 763, lines 8-25, p. 764, lines 1-3.

⁵ 15 December 2021 Transcript, p. 764, lines 7-11.

4. On 16 December 2021, Mr Thaçi requested an extension of the time limit to lodge his appeal against the Detention Decision,⁶ thereby indicating his intention to appeal said decision.⁷

II. APPLICABLE LAW

5. Pursuant to Rule 9(5)(a) of the Rules, the Pre-Trial Judge may *proprio motu* or upon showing of good cause reduce any time limit prescribed by the Rules or set by the Panel.

6. 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.

7. Article 41(10) of the Law and Rule 57(2) of the Rules provide that, upon 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.

III. DISCUSSION

8. The Pre-Trial Judge considers that Mr Thaçi's submissions on detention would benefit from an analysis of the impending decision of the Court of Appeals and accordingly finds that good cause has been shown, warranting the requested extension of time. In this context, the Pre-Trial Judge notes that, by requesting to be granted the same extension of time granted to the other Accused, Mr Thaçi

⁶ KSC-BC-2020-06, IA017/F00001, Defence for Mr Thaçi, *Thaçi Defence Request for an Extension of the Time Limit to Submit its Appeal against the Pre-Trial Judge Decision on Review of Detention of Hashim Thaçi* ("Request for an Extension of Time to Appeal the Detention Decision"), 16 December 2021, public.

⁷ Request for an Extension of Time to Appeal the Detention Decision, para. 2.

waived his right to have his detention 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.

IV. DISPOSITION

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

- a. **GRANTS** the Request;
- b. **ORDERS** Mr Thaçi to provide submissions on whether reasons for continued detention still exist by no later than **ten days after notification of the decision of the Court of Appeals** on his upcoming appeal against the Detention Decision, with responses and replies following the timeline set out in Rule 76 of the Rules; and
- c. **ORDERS** the Specialist Prosecutor's Office ("SPO"), should Mr Thaçi decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Mr Thaçi's detention by no later than **ten days after Mr Thaçi's deadline**, and Mr Thaçi, if he wishes to do so, to file his submissions by no later than **ten days after the SPO's deadline**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Thursday, 16 December 2021
At The Hague, the Netherlands.