



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: 31 January 2022

Language: English

Classification: Public

Public Redacted Version of
'Prosecution reply regarding the request for extension of time'

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1. Pursuant to Rule 76 of the Rules¹ and the Order,² the SPO³ hereby replies to the Defence Responses.⁴
2. The Request was made in a timely manner following the SPO having been informed, on 24 January 2021, of the [REDACTED] decision not to provide the [REDACTED] Records at this stage.⁵ Contrary to Veseli Defence submissions,⁶ the timing of the request does not 'force the Pre-Trial Judge's hand'. The SPO has presented good cause for the requested extension, which relates to a very limited number of items outside of the direct control of the SPO, but the decision of whether or not to authorise it remains the prerogative of the Pre-Trial Judge. Significantly, the Veseli Defence does not identify any prejudice arising from the Request.
3. Additionally, contrary to the Veseli Defence submissions,⁷ the SPO initiated the necessary variation and clearance requests in a timely manner. It is axiomatic that the SPO is not in a position to control the outcome, progress or timing of [REDACTED] or other processes before third party institutions and entities.⁸ Nonetheless, the SPO has exercised reasonable diligence in the circumstances. In particular, the SPO initiated requests for [REDACTED], including in respect of the witnesses concerned, in 2018 and

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules')

² Order varying Time Limit, KSC-BC-2020-06/F00659.

³ Defined terms used in this filing have the meaning attributed in the Prosecution request for extension of time, KSC-BC-2020-06/F00657 ('Request').

⁴ Veseli Defence Response to Prosecution Request for Extension of Time (KSC-BC-2020-06/FF00657), KSC-BC-2020-06/F00662 ('Veseli Response'); Krasniqi Defence Response to Prosecution Request for Extension of Time, KSC-BC-2020-06/F00661 ('Krasniqi Response', together with the Veseli Response the 'Defence Responses').

⁵ *Contra*. Veseli Response, KSC-BC-2020-06/F00662, para.3. As noted in the Request, on 20 January 2021, the [REDACTED] had informed the SPO of the nature and implications of the technical difficulties being encountered. The decision on the part of the [REDACTED] not to provide the [REDACTED] Records at this time as a result of those difficulties was communicated only on 24 January 2021.

⁶ Veseli Response, KSC-BC-2020-06/F00662, para.3.

⁷ Veseli Response, KSC-BC-2020-06/F00662, para.5.

⁸ *Contra*. Veseli Response, KSC-BC-2020-06/F00662, para.6.

2019 and, as necessary, followed up with further [REDACTED] to obtain the [REDACTED] Records, including, most recently, in March 2021. Similarly, in respect of the Rule 107 Documents, the clearance request for one of them was initiated in 2019 and for the other in July 2020.⁹

4. With respect to the Krasniqi Defence request for any extension to be time limited,¹⁰ the SPO submits that the matter could be revisited at the status conference which the Pre-Trial Judge has indicated an intention to hold in March 2022. The SPO is making every effort to secure the records in question and to obtain clarity from the information providers, including the [REDACTED], on the likely timeline within which that could occur.

5. This filing is confidential because it references confidential information, including in relation to protected witnesses, and ongoing consultations with information providers. A public redacted version will be filed.

Word count: 525



Jack Smith

Specialist Prosecutor

Monday, 31 January 2022

At The Hague, the Netherlands.

⁹ A two-step clearance process, first through a national authority and then an intergovernmental organization, was required in respect of this document.

¹⁰ Krasniqi Response, KSC-BC-2020-06/F0066, para.4.