



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: 2 May 2022

Language: English

Classification: Public

**Decision on Thaçi Defence Request for an Extension of Time for Request for
Certification to Appeal and Order for Further Submissions**

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THE PRE-TRIAL JUDGE,¹ pursuant to Articles 39(1) and 45 of the Law No. 05/L-53 on Specialist Chambers and Specialist Prosecutor's Office and Rules 9(5), 77(1), 90(4) and 97 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this order.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 22 April 2022, the Pre-Trial Judge confirmed, upon request of the Specialist Prosecutor's Office ("SPO"),² amendments to the confirmed indictment³ against Hashim Thaçi ("Mr Thaçi"), Kadri Veseli ("Mr Veseli"), Rexhep Selimi ("Mr Selimi") and Jakup Krasniqi ("Mr Krasniqi") (collectively, "Accused"), ordered the SPO to file, *inter alia*, an amended indictment, and informed the Accused that further appearances will be scheduled ("Amendment Decision").⁴

2. On 28 April 2022, the Defence for Mr Thaçi ("Thaçi Defence") filed a request for an extension of time for request for certification to appeal the Amendment Decision ("Request"),⁵ in which it submits that the matters raised in the Amendment Decision are complex and that the Parties needed time to seek effective instructions and consult internally about whether certain challenges should indeed be pursued on appeal.⁶ Accordingly, the Thaçi Defence argues that

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

² KSC-BC-2020-06, F00455, Specialist Prosecutor, *Submission of Corrected Indictment and Request to Amend Pursuant to Rule 90(1)(b)*, 3 September 2021, strictly confidential and *ex parte*, with Annexes 1-5, strictly confidential and *ex parte*. Confidential redacted and public redacted versions were filed on 8 September 2021, F00455/CONF/RED and F00455/RED, respectively.

³ The latest version of the confirmed indictment is available in KSC-BC-2020-06, F00455/RED/A01, Specialist Prosecutor, *Public Redacted Version of 'Indictment'*, KSC-BC-2020-06/F00455/A01, Dated 3 September 2021, public.

⁴ KSC-BC-2020-06, F00777, Pre-Trial Judge, *Decision on the Confirmation of Amendments to the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 22 April 2022, strictly confidential and *ex parte*, para. 185(a)-(c), (f)-(g). A confidential version was filed the same day, F00777/CONF/RED.

⁵ KSC-BC-2020-06, F00784, Specialist Counsel, *Thaçi Defence Request for an Extension of Time for Request for Certification to Appeal "Decision on the Confirmation of Amendments to the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi"*, 28 April 2022, public.

⁶ Request, paras 10, 13.

there is good cause for a limited extension of the time limit⁷ until Monday, 23 May 2022.⁸

3. On 29 April 2022, the SPO responded to the Request claiming that the requested extension of time is excessive, but deferring to the Pre-Trial Judge as to the appropriate length of extension.⁹

II. APPLICABLE LAW

4. Pursuant to Article 45 of the Law, a Court of Appeals Panel shall hear interlocutory appeals from an accused or from the SPO in accordance with the Law and the Rules. Interlocutory appeals, other than those that lie as of right, must be granted leave to appeal through certification by the Pre-Trial Judge or Trial Panel on the basis that they involve an issue which would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial and for which, in the opinion of the Pre-Trial Judge or Trial Panel, an immediate resolution by a Court of Appeals Panel may materially advance proceedings.

5. Pursuant to Article 39(1) of the Law, the Pre-Trial Judge shall have the power, *inter alia*, to rule on any preliminary motions.

6. Pursuant to Rule 90(4) of the Rules, the Defence shall be granted twenty-one (21) days to file preliminary motions pursuant to Rule 97 of the Rules in respect of the new charges.

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

⁷ Request, para. 14.

⁸ Request, paras 9, 15.

⁹ KSC-BC-2020-06, F00787, Specialist Prosecutor, *Prosecution Response to THAÇI Defence Request for Extension of Time (F00784)*, 29 April 2022, public.

8. Pursuant to Rule 77(1) of the Rules, when a Party seeks to appeal a decision for which an appeal does not lie as of right, that Party shall request certification from the Panel that rendered the impugned decision within seven (7) days thereof.

III. DISCUSSION

9. Having taken note of the Thaçi submissions on the complexity of the Amendment Decision and necessity to receive instructions and consult internally, while being mindful of the impending seven-day deadline pursuant to Rule 77(1) of the Rules, the Pre-Trial Judge finds that there is good cause in extending the relevant time limit established by the Rules to enable the Thaçi Defence to submit a request for leave to appeal against the Amendment Decision. This ruling extends to any other Party. Accordingly, if the Thaçi Defence or any other of the Parties choose to seek certification to appeal, they are ordered to do so by Monday, 23 May 2022.

10. It is emphasised that this is, however, without prejudice to the Pre-Trial Judge's ultimate finding as to the admissibility of any Rule 77 request against the Amendment Decision. In order to take an informed decision, the Pre-Trial Judge accordingly invites the Thaçi Defence to further substantiate its submissions on the admissibility of the Rule 77 remedy in light of the procedural avenue available in Rule 90(4) of the Rules. The remaining Parties may make submissions in writing by the same aforementioned time limit, if they so wish.

IV. DISPOSITION

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

- a) **GRANTS** the Request; and
- b) **ORDERS** the Thaçi Defence and the remaining Parties, if they so choose, to request a certification to appeal by **Monday, 23 May 2022**, including submissions as set forth in paragraph 10 above.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Monday, 2 May 2022
At The Hague, the Netherlands.