

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

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 17 June 2022

Language: English

Classification: Public

**Thaçi Defence Request for an Extension of Time for Submissions on Review of
Detention**

with confidential Annex 1

Specialist Prosecutor's Office

Jack Smith

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

I. INTRODUCTION

1. On 26 May 2022, the Pre-Trial Judge ordered the continued detention of Mr. Hashim Thaçi.¹ In this decision, the Pre-Trial Judge also ordered the Defence for Mr. Hashim Thaçi (“Defence”), “if it wishes to do so, to file submissions on the next review of Mr Thaçi’s detention by no later than **Wednesday, 29 June 2022**”.²

2. On 8 June 2022, the Defence filed an appeal against the Decision on Periodic Review of Detention.³ A Court of Appeals Panel has only just been assigned,⁴ and the parties are still in the process of filing Appeal submissions, in accordance with the timeframes set in Rule 170.⁵ A decision by the Court of Appeals Panel in respect of the pending Appeal (“Appeal Decision”) is therefore not expected before 29 June 2022, being the Defence deadline to file submissions on the next review of Mr. Thaçi’s detention.

3. On 10 June 2022, the Defence was asked by email to notify the Pre-Trial Judge by 17 June 2022, “whether Mr Thaci wishes the Pre-Trial Judge to proceed with the two-month periodic review of detention, as provided for in Article 41(10) of the Law, or whether he wishes the Pre-Trial Judge to proceed with the review of detention after the Court of Appeals Panel has issued its decisions on Mr Thaçi’s appeal”. In the latter instance, the Defence was asked to submit a waiver from Mr. Thaçi.

¹ KSC-BC-2020-06/F00818, Pre-Trial Judge, Decision on Periodic Review of Detention of Hashim Thaçi, 26 May 2022, Confidential (“Decision on Periodic Review of Detention”), para. 82(b).

² Decision on Periodic Review of Detention, para. 82(c) [Emphasis in original].

³ KSC-BC-2020-06/IA022/F00001, Thaçi Appeal Against the Decision on Periodic Review of Detention of Hashim Thaçi, 8 June 2022, Confidential (“Appeal”).

⁴ KSC-BC-2020-06/IA022/F00002, President, Decision Assigning a Court of Appeals Panel, 13 June 2022, Confidential.

⁵ A response by the SPO to the Appeal must be filed no later than 20 June 2022, and the Defence will have five days from the date of notification of this response to file a reply (if it chooses to do so): see Rule 170(1) of the KSC-BD-03/Rev3/2020, Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, 2 June 2020 (“Rules”).

4. The Defence hereby notifies the Pre-Trial Judge of its request to proceed with the next review of Mr Thaçi's detention **after** resolution of the pending Appeal. Pursuant to Rule 9(5)(a) of the Rules, the Defence therefore requests a variation of the time limit set by the Pre-Trial Judge to file submissions on the next review of detention in order that such submissions be provided, if necessary, within ten days of receipt of the relevant Appeal Decision.

5. Good cause exists for the requested extension. The Appeal Decision will adjudicate and clarify numerous questions which are currently pending on appeal, and parties will then be better placed to refine and tailor their submissions based on the latest jurisprudence from the Court of Appeals Panel. In particular, the Appeal Decision will be the first opportunity for the Court of Appeals Panel to consider the additional conditions for house arrest proposed by the Defence.⁶ The Pre-Trial Judge has previously granted extensions of time for submissions on detention review on the basis of this criteria.⁷

6. This request has also been made in good time, being filed within the timeline set by the Pre-Trial Judge in the correspondence from 10 June 2022, and prior to the deadline contained in the Decision on Periodic Review of Detention.

7. Considering the requested extension requires the waiver of Mr. Thaçi's right to have his detention reviewed on a two-monthly basis, in accordance with Article 41(10) of the Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and

⁶ KSC-BC-2020-06/F00769, Thaçi Defence Submissions on Third Detention Review, 19 April 2022, Confidential, paras. 27-31.

⁷ See, for example, KSC-BC-2020-06/F00629, Pre-Trial Judge, Decision on Thaçi Request for Extension of Time Limit, 16 December 2021, para. 8; KSC-BC-2020-06/F00443, Pre-Trial Judge, Decision on Thaçi Request for Extension of Time Limit, 26 August 2021, para. 7; KSC-BC-2020-06/F00206, Pre-Trial Judge, Decision on Joint Defence Request for Extension of Time Limit, 24 February 2021, para. 5.

Rule 57(2) of the Rules, the Defence confirms that, exceptionally, Mr. Taçi waives his right to review of the detention.⁸

8. Accordingly, the Defence respectfully requests the Pre-Trial Judge to:

FIND that good cause exists pursuant to Rule 9(5)(a) of the Rules for a variation of the time limit; and

ORDER that submissions on whether reasons for continued detention still exist be filed, if necessary, within ten days of receipt of the relevant Appeal Decision.

Word count: 796 words

Respectfully submitted,



Gregory W. Kehoe

Counsel for Hashim Taçi

Friday, 17 June 2022

At Tampa, United States

⁸ As requested by the Pre-Trial Judge, Annex 1 contains a waiver of Mr Taçi's right to have his detention reviewed on a two-monthly basis in accordance with Article 41(10) of the Law and Rule 57(2) of the Rules.