



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: 21 June 2022

Language: English

Classification: Public

**Decision on Defence Requests for Extension of Time for Submissions on Fourth
Review of Detention**

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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) 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 13 and 26 May 2022, the Pre-Trial Judge ordered the continued detention of Jakup Krasniqi ("Mr Krasniqi") ("Krasniqi Detention Decision"),² Rexhep Selimi ("Mr Selimi") ("Selimi Detention Decision"),³ and Hashim Thaçi ("Mr Thaçi") ("Thaçi Detention Decision")⁴ (collectively "Detention Decisions"). The Pre-Trial Judge ordered Messrs Krasniqi and Selimi, if they so wished, to file submissions on the next review of detention by no later than Wednesday, 22 June 2022,⁵ and Mr Thaçi to do so by no later than Wednesday, 29 June 2022.⁶

2. On 25 May 2022, the Defence for Mr Krasniqi ("Krasniqi Defence") appealed the Krasniqi Detention Decision,⁷ and the Defence for Mr Selimi ("Selimi Defence") appealed the Selimi Detention Decision.⁸ On 8 June 2022, the Defence for Mr Thaçi ("Thaçi Defence") appealed the Thaçi Detention Decision.⁹

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

² KSC-BC-2020-06, F00801, Pre-Trial Judge, *Decision on Periodic Review of Detention of Jakup Krasniqi*, 13 May 2022, confidential and *ex parte*, para. 87(b). A confidential redacted version was filed on the same day, F00801/CONF/RED. A public redacted version was filed on 24 May 2022, F00801/RED.

³ KSC-BC-2020-06, F00802, Pre-Trial Judge, *Decision on Periodic Review of Detention of Rexhep Selimi*, 13 May 2022, confidential, para. 68(a). A public redacted version was filed on 24 May 2022, F00802/RED.

⁴ KSC-BC-2020-06, F00818, Pre-Trial Judge, *Decision on Periodic Review of Detention of Hashim Thaçi*, 26 May 2022, confidential, para. 82(b). A public redacted version was filed on 8 June 2022, F00818/RED.

⁵ Krasniqi Detention Decision, para. 87(b); Selimi Detention Decision, para. 68(b).

⁶ Thaçi Detention Decision, para. 82(c).

⁷ KSC-BC-2020-06, IA020/F00001, Specialist Counsel, *Krasniqi Defence Appeal Against Decision on Periodic Review of Detention of Jakup Krasniqi*, 25 May 2022, confidential, with Annex 1, public.

⁸ KSC-BC-2020-06, IA021/F00001, Specialist Counsel, *Selimi Defence Appeal Against Decision on Periodic Review of Detention of Rexhep Selimi*, 25 May 2022, confidential.

⁹ KSC-BC-2020-06, IA022/F00001, Specialist Counsel, *Thaçi Appeal Against the Decision on Periodic Review of Detention of Hashim Thaçi*, 8 June 2022, confidential.

3. On 3 and 10 June 2022, the Pre-Trial Judge notified the Krasniqi Defence, Selimi Defence and Thaçi Defence (collectively “Defence Teams”) that if Messrs Krasniqi, Selimi and Thaçi wished the Pre-Trial Judge to undertake the review of detention after the Court of Appeals Panel’s decisions, the Krasniqi Defence and Selimi Defence should notify the Pre-Trial Judge by Monday, 13 June 2022,¹⁰ and the Thaçi Defence should do so by Friday, 17 June 2022.¹¹

4. On 9, 10 and 17 June 2022, respectively, the Defence Teams each filed a request for an extension of the time limit to provide submissions on the next review of detention, if necessary, until ten days of receipt of the decision issued by the Court of Appeals Panel in respect of the pending appeal (collectively “Requests”).¹² The Defence Teams submit that good cause exists for the requested extension, as any future submissions on review of detention would benefit from being made following receipt and consideration of the decision of the Court of Appeals Panel.¹³ The Defence Teams further confirm that, exceptionally, Messrs Krasniqi, Selimi and Thaçi waive their right to have their detention reviewed every two months.¹⁴

II. APPLICABLE LAW

5. Pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, 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

¹⁰ KSC-BC-2020-06, CRSPD118, 3 June 2022.

¹¹ KSC-BC-2020-06, CRSPD119, 10 June 2022.

¹² KSC-BC-2020-06, F00833, Specialist Counsel, *Krasniqi Defence Request for Extension of Time for Submissions on Fourth Detention Review (“Krasniqi Request”)*, confidential, para. 4, with Annex 1, confidential; F00837, Specialist Counsel, *Defence Request for an Extension of Time for Submissions on the Review of Detention (“Selimi Request”)*, 10 June 2022, public, para. 2, with Annex 1, confidential; F00848, Specialist Counsel, *Thaçi Defence Request for an Extension of Time for Submissions on Review of Detention (“Thaçi Request”)*, 17 June 2022, public, paras 4, 8, with Annex 1, confidential.

¹³ Krasniqi Request, para. 5; Selimi Request, para. 3; Thaçi Request, para. 5.

¹⁴ Krasniqi Request, para. 7; Selimi Request, para. 4; Thaçi Request, para. 7.

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 Teams, in particular that any future submissions on a review of detention would benefit from the receipt and consideration of the relevant decision of the Court of Appeals Panel, 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 Messrs Krasniqi, Selimi and Thaçi have waived their right to have their 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.¹⁵

9. In view of the fact that the Specialist Prosecutor's submissions would also benefit from receipt of the relevant decision of the Court of Appeals Panel, the Pre-Trial Judge considers that no prejudice has been caused in issuing the present decision prior to receiving its response to the Requests.

¹⁵ Annex 1 to Krasniqi Request; Annex 1 to Selimi Request; Annex 1 to Thaçi Request.

IV. DISPOSITION

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

- (a) **GRANTS** the Requests;
- (b) **ORDERS** the Defence Teams to provide submissions on the review of Messrs Krasniqi's, Selimi's and Thaçi's detention by no later than **ten days after notification of the decision of the Court of Appeals** on their upcoming appeals against the Detention Decisions, with responses and replies following the timeline set out in Rule 76 of the Rules;
- (c) **ORDERS** the Specialist Prosecutor's Office, should Messrs Krasniqi, Selimi and Thaçi decide not to file any submissions by the aforementioned time limit, to file submissions on the next review of Messrs Krasniqi's, Selimi's and Thaçi's detention by no later than **ten days after Messrs Krasniqi's, Selimi's and Thaçi's deadline**, with responses and replies following the timeline set out in Rule 76 of the Rules; and
- (d) **ORDERS** the Registrar to re-classify F00833, excluding its Annex, as public.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 21 June 2022
At The Hague, the Netherlands.