

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: Counsel for Kadri Veseli
Counsel for Hashim Thaçi
Counsel for Rexhep Selimi
Counsel for Jakup Krasniqi

Date: 29 June 2022

Language: English

Classification: Public

**Joint Defence Request for Variation of Time Limit for Leave
to Appeal Decision KSC-BC-2020-06/F00854
(Decision on Confidential Information and Contact with Witnesses)**

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I. INTRODUCTION

1. Pursuant to Rule 9(5) of the Rules of Procedure and Evidence (“Rules”), the Defence teams for Messrs Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi (“Defence”), hereby request an extension of two weeks (until 18 July 2022) to submit their request for certification to appeal the Impugned Decision.¹

II. PROCEDURAL BACKGROUND

2. On 3 December 2021, the SPO submitted a request to the Pre-Trial Judge to establish a protocol on the handling of confidential information and contact with witnesses.² Following extensive written submissions from the Parties, the Legal Representative of Victims and the Registry, the proposed framework was discussed at the hearing of 22 February 2022.³
3. On 24 June 2022, the Pre-Trial Judge issued the Impugned Decision.
4. Pursuant to Article 45(2) Law and Rule 77, the request for leave to appeal the Impugned Decision must, at present, be filed by 4 July 2021.

III. SUBMISSIONS

5. Good cause exists, given the substantial length of the Impugned Decision;⁴ its novelty and the lack of prior case law from the Court of Appeals on contact with witnesses; as well as the many complex procedural⁵ and constitutional issues involved – impacting the Accused’s rights – such as the right to a fair trial; the

¹ F00854, Decision on Framework for the Handling of Confidential Information during Investigations and Contact between a Party or Participant and Witnesses of the Opposing Party or of a Participant, 24 June 2022.

² F00594, Prosecution submissions on confidential information and contacts with witnesses, 3 December 2021.

³ Transcript, 22 February 2022.

⁴ 92 Pages.

⁵ Including issues concerning the legal basis for issuing the protocol.

right to equality of arms;⁶ privilege against self-incrimination and related rights;⁷ the right to be tried within a reasonable time;⁸ presumption of innocence;⁹ the rights to have adequate time and facilities for the preparation of the defence.¹⁰ Accordingly, the extension of time will allow the Defence to fully analyse the above-mentioned topics; decide on their appealability and propose eventual issues for certification.

6. The Defence does not oppose a proportional variation should it be sought by the SPO.

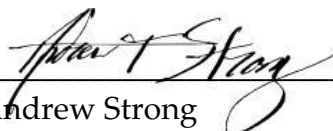
IV. CONCLUSION

7. In light of the aforementioned, the Pre-Trial Judge is respectfully requested to vary the deadline for certification to appeal the Impugned Decision to 18 July 2022.

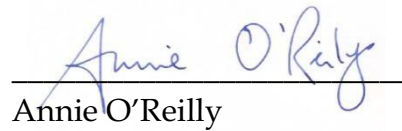
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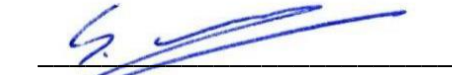


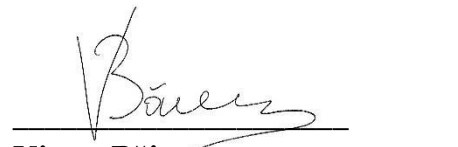
⁶ Impugned Decision, paras 138-145.

⁷ Impugned Decision, paras 146-163.

⁸ Impugned Decision, paras 164-165.

⁹ Impugned Decision, paras 166-170.

¹⁰ Impugned Decision, paras 171-776.


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