



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-BC-2020-06/PL001

Before: **A Panel of the Supreme Court Chamber**
Judge Ekaterina Trendafilova, Presiding
Judge Christine van den Wyngaert
Judge Michael Bohlander

Registrar: Fidelma Donlon

Date: 6 July 2022

Original language: English

Classification: Public

Decision on Request for an Extension of Time

Specialist Prosecutor's Office:

Jack Smith

Counsel for Hashim Thaçi:

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THE PANEL OF THE SUPREME COURT CHAMBER of the Kosovo Specialist Chambers (“Supreme Court Panel” or “Panel”) acting pursuant to Rules 9(5)(a), 76 and 82(5) of the Rules of Procedure and Evidence (“Rules”) is seised of the “Prosecution request for extension of time to respond to Veseli Defence Request for Protection of Legality Against Decision on Appeal Concerning Remanded Detention Review and Periodic Review of Detention (IA014/F00008)” (“Request for an Extension of Time”).¹

I. BACKGROUND

1. On 31 March 2022, the Court of Appeals Panel issued the “Decision on Kadri Veseli’s Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention” (“Impugned Decision”), wherein it, *inter alia*, denied Mr Kadri Veseli’s appeal against the Pre-Trial Judge’s decision continuing Mr Veseli’s detention.²

2. On 29 June 2022, Mr Veseli filed a request for protection of legality, challenging the Impugned Decision (“Request for Protection of Legality”).³

3. On 30 June 2022, the President of the Specialist Chambers assigned the Panel to adjudicate the Request for Protection of Legality.⁴

¹ PL001/F00003, Prosecution request for extension of time to respond to Veseli Defence Request for Protection of Legality Against Decision on Appeal Concerning Remanded Detention Review and Periodic Review of Detention (IA014/F00008), 1 July 2022 (confidential).

² IA14/F00008, Decision on Kadri Veseli’s Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention, 31 March 2022 (confidential). A public redacted version of the Impugned Decision was filed on the same day. See IA14/F00008/RED. See also F00380, Decision on Review of Detention of Kadri Veseli, 2 July 2022 (confidential). A public redacted version of this decision was filed on the same day. See F00380/RED.

³ PL001/F00001, Veseli Defence Request for Protection of Legality Against Decision on Appeal Concerning Remanded Detention Review and Periodic Review of Detention (IA014/F00008), 29 June 2022 (confidential). A public redacted version of the Request for Protection of Legality was filed on 4 July 2022. See PL001/F00001/RED.

⁴ PL001/F00002, Decision Assigning a Supreme Court Panel, 30 June 2022 (confidential).

4. On 1 July 2022, the Specialist Prosecutor's Office ("SPO") filed the Request for an Extension of Time, and on 4 July 2022, the Defence filed its response thereto ("Defence's Response").⁵

II. DISCUSSION

5. The SPO submits that good cause exists for a reasonable and proportionate extension of time of 10 days within which to file a response to the Request for Protection of Legality.⁶ Specifically, the SPO contends that: (i) the Request for Protection of Legality is the first of its kind before the Supreme Court Panel; (ii) the legal issues raised therein are numerous and complex; and (iii) Mr Veseli had three months to prepare this request and the additional time is necessary to allow the SPO to file a focussed and complete response.⁷

6. Mr Veseli responds that he does not consider the SPO to have demonstrated good cause, but "does not oppose a reasonable variation of the time limit prescribed to submit a response, provided that such delay will not, in the Panel's view, hamper its ability to comply with the obligation to issue a speedy decision in detention matters".⁸

7. Rule 76 of the Rules provides that a response of the SPO to a Request for Protection of Legality shall be filed within 10 days. Rule 9(5)(a) of the Rules allows the Panel, *proprio motu* or upon showing of good cause, to extend the time limit prescribed by the Rules. The Request for Protection of Legality concerns Mr Veseli's continued pre-trial detention and it is therefore in the interests of justice to render a decision thereon as soon as practically possible.

⁵ PL001/F00004, Veseli Defence Response to Prosecution Request for Extension of Time, 4 July 2022 (confidential).

⁶ Request for Extension of Time, para. 1.

⁷ Request for Extension of Time, para. 2.

⁸ Defence's Response, paras 1-2.

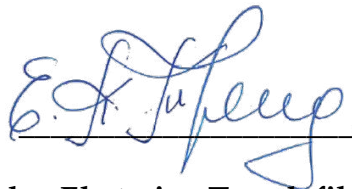
8. However, given the novelty of the issues underlying the Request for Protection of Legality, a reasonable variation of the time limit appears warranted. The Panel notes that Mr Veseli does not oppose a limited variation. The Panel considers a limited extension of seven days to respond to the Request for Protection of Legality reasonable in the present circumstances, but wishes to emphasise that extensions of time limits in detention matters should remain the exception.

III. DISPOSITION

9. For these reasons, the Supreme Court Panel hereby:

a. **GRANTS** the Request for an Extension of Time, in part; and

b. **ORDERS** the SPO to file its response to the Request for Protection of Legality no later than 18 July 2022.



**Judge Ekaterina Trendafilova,
Presiding Judge**

Dated this Wednesday, 6 July 2022

At The Hague, the Netherlands