



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: 19 July 2022

Language: English

Classification: Public

**Decision on Prosecution Request for Extension of Time for Response to ‘Joint
Defence Motion for Disclosure Pursuant to Rule 103’ (F00877)**

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David Young

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 9(5)(a) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 20 May 2022, during the twelfth status conference, the Pre-Trial Judge invited the Parties to file submissions on disclosure pursuant to Rule 103 of the Rules.²

2. On 12 July 2022, the respective counsel for Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi (collectively referred to as "Defence") filed a joint motion for disclosure pursuant to Rule 103 of the Rules ("Motion").³

3. On 14 July 2022, the Specialist Prosecutor's Office ("SPO") requested an extension of the deadline for the filing of its response to the Motion ("Request").⁴

4. On 18 July 2022, the Defence for Hashim Thaçi, the Defence for Kadri Veseli and the Defence for Jakup Krasniqi responded to the Request.⁵ The Defence for Rexhep Selimi did not respond to the Request.

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

² KSC-BC-2020-06, Transcript of Hearing, 20 May 2022, public, p. 1254, lines 21-25.

³ KSC-BC-2020-06, F00877, Specialist Counsel, *Joint Defence Motion for Disclosure Pursuant to Rule 103*, 12 July 2022, confidential, with Annexes 1-3, public, and Annex 4, confidential. A public redacted version was filed on 13 July 2022, F00877/RED.

⁴ KSC-BC-2020-06, F00882, Specialist Prosecutor, *Prosecution Request for an Extension of Time to Respond to 'Joint Defence Motion for Disclosure Pursuant to Rule 103' (F00877)*, 14 July 2022, public, para. 1.

⁵ KSC-BC-2020-06, CRSPD125, Specialist Counsel, *Email from Defence for Hashim Thaçi to CMU; Email from Defence for Kadri Veseli to CMU; Email from the Defence for Jakup Krasniqi to CMU ("Defence Responses to Request")*, 18 July 2022, confidential.

II. APPLICABLE LAW

5. Pursuant to Rule 9(5)(a) of the Rules, the Panel may, *proprio motu*, extend or reduce any time limit prescribed by the Rules or set by the Panel.

6. Pursuant to Rule 76 of the Rules, unless otherwise provided in the Rules, any response to a motion shall be filed within ten (10) days of the motion and any reply to a response shall be filed within five (5) days of the response.

III. SUBMISSIONS AND DISCUSSION

7. The SPO submits that good cause exists for the requested 10-day extension of the 22 July 2022 deadline given: (i) the Defence have had since the Pre-Trial Judge's instruction of 20 May 2022 to formulate the Motion; (ii) the Pre-Trial Judge previously granted a 2000 word extension of the word limit for the Motion and any response to the Motion;⁶ (iii) numerous allegations form the basis of the Motion; (iv) the importance of Rule 103 disclosure; and (v) the overall complexity of the issue.⁷

8. The Defence for Hashim Thaçi, the Defence for Kadri Veseli and the Defence for Jakup Krasniqi do not oppose the Request.⁸

9. Having considered the reasons put forward by the SPO, in particular the numerous allegations the Defence has set forth in their Motion and the importance of Rule 103 disclosure obligations, the Pre-Trial Judge finds, pursuant to Rules 9(5)(a) and 76 of the Rules, that good cause warranting the requested extension of the time limit has been demonstrated and therefore any response to the Motion shall be filed by Wednesday, 3 August 2022.

⁶ KSC-BC-2020-06, F00834, Pre-Trial Judge, *Decision on Defence Request for Word Limit Variation*, 10 June 2022, public, paras 8, 9.

⁷ Request, paras 2, 3.

⁸ Defence Responses to Request.

10. Furthermore, for the same reasons noted above, the Pre-Trial Judge, *proprio motu*, extends the deadline for replies to Monday, 15 August 2022.

IV. DISPOSITION

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

- (a) **GRANTS** the Request;
- (b) **EXTENDS** the SPO's deadline for filing a response to the Motion to **Wednesday, 3 August 2022**; and
- (c) **EXTENDS** the deadline for filing a reply to a response to the Motion to **Monday, 15 August 2022**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 19 July 2022
At The Hague, the Netherlands.