



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

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: Specialist Prosecutor

Date: 10 October 2022

Language: English

Classification: Confidential

Prosecution response to THAÇI Defence request for extension of time (F01020)

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 Alagenda

1. The Request¹ should be dismissed as untimely and unsubstantiated. It was filed one working day before expiry of the relevant deadline.² The Defence provides no reason for such delay.
2. Further, the Defence claims – but does not adequately explain why – it is unable to seek leave to appeal the Decision³ until the ordered disclosures take place.⁴ Since the Defence does not have access to the Rule 107⁵ documents concerned, it is unclear how the Defence’s assessment of the related summaries could impact on its decision as to whether to seek leave to appeal. In any event, once the disclosures are made, the Defence can seek any appropriate relief from the Pre-Trial Judge, including in relation to the summaries’ detail.⁶
3. The Defence is able to fully assess on the basis of the Decision whether to make a Rule 77 application and the Request fails to demonstrate otherwise. An extension for the reasons given would contravene the express terms of the Rules, which provide a deadline from the date of the Decision,⁷ not from execution of orders made therein.
4. This filing is confidential pursuant to Rule 82(4).

¹ Thaçi Defence Request for an Extension of Time for Request for Certification to Appeal the Decision on Specialist Prosecutor’s Rule 107(2) Request (F01002), KSC-BC-2020-06/F01020, 7 October 2002, Confidential (‘Request’).

² The confidential redacted version of the Decision (*see* fn.2 below) was notified on 3 October 2022.

³ Decision on Specialist Prosecutor’s Rule 107(2) Request, KSC-BC-2020-06/F01002, 30 September 2022, Strictly Confidential and *Ex Parte* (‘Decision’).

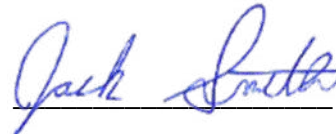
⁴ Request, KSC-BC-2020-06/F01020, paras 5-8.

⁵ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 (‘Rules’). All references to ‘Rule’ or ‘Rules’ herein refer to the Rules, unless otherwise specified.

⁶ *See* Request, KSC-BC-2020-06/F01020, para.7.

⁷ Rule 77(1).

Word count: 289



Jack Smith

Specialist Prosecutor

Monday, 10 October 2022

At The Hague, the Netherlands.