



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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: 9 November 2022

Language: English

Classification: Public

**Decision Amending the Briefing Schedule for the
Seventh Detention Review of Mr Veseli**

Specialist Prosecutor
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 Alagendra

THE PRE-TRIAL JUDGE,¹ pursuant to Articles 39(1) and (13) and 41(10) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 9(5)(a) and (6) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 26 September 2022, the Pre-Trial Judge issued his sixth decision on the periodic review of detention ("Sixth Detention Decision") of Kadri Veseli ("Mr Veseli"), ordering the continued detention of Mr Veseli.² Therein, the Pre-Trial Judge, *inter alia*, ordered the Specialist Prosecutor's Office ("SPO"), in the event the Defence did not file any submissions, to file submissions on the next review of Mr Veseli's detention by 31 October 2022, and for the Defence for Mr Veseli (the "Defence") to file their response by 10 November 2022.³

2. On 31 October 2022, the SPO filed its submissions on the next review of Mr Veseli's detention.⁴

3. On 4 November 2022, the Pre-Trial Judge held a fifteenth status conference.⁵ In the course of this status conference, the Defence stated that a review of Mr Veseli's detention could not be conducted until the resolution of a particular disclosure issue ("Issue").⁶

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

² KSC-BC-2020-06, F00987, Pre-Trial Judge, *Decision on Periodic Review of Detention of Mr Kadri Veseli* ("Sixth Detention Decision"), 26 September 2022, public, para. 47(a).

³ Sixth Detention Decision, para. 47(b)-(c).

⁴ KSC-BC-2020-06, F01069, Specialist Prosecutor, *Prosecution Submissions on Detention Review of Kadri Veseli*, 31 October 2022, public.

⁵ KSC-BC-2020-06, F01039, Pre-Trial Judge, *Order Setting the Date for a Fifteenth Status Conference and for Submissions*, 17 October 2022, public, para. 28(a); Transcript of Hearing, 4 November 2022, public.

⁶ KSC-BC-2020-06, Transcript of Hearing, 4 November 2022, confidential, pp. 1617-1618.

4. On 7 November 2022, the Defence notified the Pre-Trial Judge of Mr Veseli's intention to waive his right to the forthcoming review of his detention.⁷ In addition, the Defence requested that the next review of Mr Veseli's detention be postponed until the Issue is resolved and submitted that the next review of detention be conducted as soon as practicable thereafter.⁸

II. APPLICABLE LAW

5. Pursuant to Article 39(13) of the Law, the Pre-Trial Judge may, where necessary, at the request of a party, issue any other order as may be necessary for the preparation of a fair and expeditious trial.

6. Article 41(10) of the Law and Rule 57(2) of the Rules provide that, 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 shall examine whether reasons for detention on remand still exist and render a ruling by which detention on remand is extended or terminated.

7. 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.

8. 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.

⁷ KSC-BC-2020-06, F01091, Specialist Counsel, *Veseli Defence Notice of Waiver of Detention Review* ("Notice of Waiver"), 7 November 2022, public.

⁸ Notice of Waiver, paras 1-2.

III. DISCUSSION

9. The Pre-Trial Judge observes that, pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, Mr Veseli's detention shall be reviewed every two months. Considering that the Sixth Detention Decision was issued on 26 September 2022, the next review of Mr Veseli's detention should take place, at the latest, on 25 November 2022.

10. In light of the Defence's submissions made at the last status conference concerning the Issue⁹ and notification of Mr Veseli's intent to waive his right to a detention review until resolution of the Issue, the Pre-Trial Judge finds good cause to amend the briefing schedule initially set in the Sixth Detention Decision. Accordingly, upon resolution of the Issue, the Pre-Trial Judge orders the SPO, if it so wishes, to supplement its submissions on the next review of Mr Veseli's detention as regards the resolution of the Issue by Friday, 9 December 2022. Thereafter, the Pre-Trial Judge orders the Defence, if it so wishes, to respond to the SPO's submissions on the next review of Mr Veseli's detention, and potential supplement as regards the resolution of the Issue, by Wednesday, 14 December 2022. A decision on the review of Mr Veseli's detention will be rendered thereafter, but no later than Monday, 19 December 2022.

11. In addition, the Pre-Trial Judge directs the Defence to file, by Friday, 11 November 2022, a notification signed by Mr Veseli indicating that he waives his right to have his detention reviewed before the two-month time limit set out in Article 41(10) of the Law and Rule 57(2) of the Rules, and until a decision on his detention review is rendered by Monday, 19 December 2022.

12. The Pre-Trial Judge considers that no prejudice is caused to the SPO by allowing submissions on the Issue in the context of the next detention review given that both Parties will be given adequate time to provide submissions on the matter

⁹ KSC-BC-2020-06, Transcript of Hearing, 4 November 2022, confidential, pp. 1591-1618.

and, as a result, that the request to vary the briefing schedule for the next review of detention may be entertained without giving the SPO the opportunity to be heard on this matter.

IV. DISPOSITION

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

- (a) **GRANTS** the Request;
- (b) **POSTPONES** the next review of Mr Veseli's detention until **Monday, 19 December 2022**;
- (c) **DIRECTS** the Defence to provide Mr Veseli's waiver, as indicated in paragraph 11, above, by **Friday, 11 November 2022**;
- (d) **VARIES** the briefing schedule initially set in the Sixth Detention Decision;
- (e) **ORDERS** the SPO, if it wishes to do so, to supplement its submissions on the next review of Mr Veseli's detention, as set out in paragraph 10, above, by no later than **Friday, 9 December 2022**; and
- (f) **ORDERS** the Defence, if it wishes to do so, to respond to the SPO's submissions, and potential supplement, by no later than **Wednesday, 14 December 2022**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Wednesday, 9 November 2022
At The Hague, the Netherlands.