



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: 15 November 2022

Language: English

Classification: Public

**Order Varying Time Limit for Response and Reply to
Thaçi Defence Addendum to Motion Justifying Request for Unique Investigative
Opportunities**

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(13) of the Law on Specialist Chambers and Specialist Prosecutor's Office and Rules 9(5) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 8 September 2022, the Pre-Trial Judge invited the Defence teams to file notices of any investigative opportunities pursuant to Rule 99 of the Rules by 7 October 2022 and ordered that requests justifying the need for such measures be filed by 28 October 2022.²
2. On 7 October 2020, the Defence for Hashim Thaçi ("Mr Thaçi" and "Thaçi Defence") filed a notice indicating that it will seek measures to preserve the testimony of nine witnesses in the context of a unique investigative opportunity pursuant to Rule 99 of the Rules or, in the alternative, depositions pursuant to Rule 100 of the Rules ("Notice").³
3. On 28 October 2022, the Thaçi Defence filed a motion justifying the need for the requested measures for eight witnesses in the context of a unique investigative opportunity ("Motion").⁴

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, 8 September 2022, public, p. 1582 line 21 to p. 1583 line 6.

³ KSC-BC-2020-06, F01018, Specialist Counsel, *Thaçi Defence Notice of Unique Investigative Opportunities*, 7 October 2022, public, paras 16-17.

⁴ KSC-BC-2020-06, F01068, Specialist Counsel, *Thaçi Defence Motion Justifying Request for Unique Investigative Opportunities*, 28 October 2022, confidential. A public redacted version was filed on 1 November 2022, F01068/RED.

4. On 10 November 2022, the Specialist Prosecutor's Office ("SPO") responded to the Motion ("Response").⁵

5. On 11 November 2022, the Thaçi Defence filed an addendum to the Motion justifying the need for the requested measure for a ninth witness ("Addendum").⁶

II. APPLICABLE LAW

6. Pursuant to Rule 9(5) of the Rules, the Pre-Trial Judge may *proprio motu* reduce any time limit prescribed by the Rules.

7. Pursuant to Rule 76 of 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. DISCUSSION

8. Pursuant to Rules 9 and 76 of the Rules, the SPO is entitled to respond to the Addendum within ten days and, should the SPO respond to the Addendum, the Thaçi Defence will be entitled to reply within five days thereafter.

9. Mindful of: (i) the narrow scope of the Addendum; (ii) the impending transmission of the case to a trial panel by the end of 2022;⁷ and (iii) the time needed to rule on the Motion and Addendum prior to the transmission of the case, the Pre-Trial Judge considers it necessary to reduce the relevant time limits established by the Rules.

⁵ KSC-BC-2020-06, F01096, Specialist Prosecutor, *Prosecution Response to Thaçi Request for Unique Investigative Opportunities*, 10 November 2022, confidential.

⁶ KSC-BC-2020-06, F01099, Specialist Counsel, *Addendum to Thaçi Defence Motion Justifying Request for Unique Investigative Opportunities*, 11 November 2022, confidential, with Annex 1, confidential.

⁷ KSC-BC-2020-06, Transcript of Hearing, 4 November 2022, confidential, p. 1587, lines 23-25.

IV. JS DISPOSITION

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

- (a) **ORDERS** the SPO to respond to the Addendum, should it wish to do so, by **Friday, 18 November 2022, at 12:00**; and
- (b) **ORDERS** the Taçi Defence to reply to the SPO's response to the Addendum, should it wish to do so, by **Wednesday, 23 November 2022**.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 15 November 2022
At The Hague, the Netherlands.