



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:** **Trial Panel II**  
Judge Charles L. Smith III, Presiding Judge  
Judge Christoph Barthe  
Judge Guénaél Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Fidelma Donlon

**Date:** 28 December 2022

**Language:** English

**Classification:** Public

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**Order Setting the Deadline for the Response to F01180**

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**Acting Specialist Prosecutor**  
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Simon Laws

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
David Young

**Counsel for Jakup Krasniqi**  
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**TRIAL PANEL II** (“Panel”), pursuant to Article 40(6)(h) of the Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 9(5), (6) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this order.

## I. PROCEDURAL BACKGROUND

1. On 22 December 2022, the Defence for Rexhep Selimi (“Defence”) filed its submissions on the review of detention under Rule 57(2) of the Rules (“Selimi Submissions on Detention”).<sup>1</sup> The Defence requests that the Panel order the Specialist Prosecutor’s Office (“SPO”) to respond to its submissions by 27 December 2022 (“Request”).<sup>2</sup>

2. The SPO opposes the Request.<sup>3</sup>

## II. APPLICABLE LAW

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

4. 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.

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<sup>1</sup> KSC-BC-2020-06, F01180, Specialist Counsel, *Selimi Defence Submissions on Review of Detention*, 22 December 2022 (notified on 27 December 2022), confidential. A public redacted version was filed on 27 December 2022 (F01180/RED).

<sup>2</sup> Selimi Submissions on Detention, paras 33-34, 36(i).

<sup>3</sup> E-mail received by the Panel on 27 December 2022.

### III. DISCUSSION

5. In its submissions, the Defence seeks interim release for Rexhep Selimi (“Mr Selimi”) from 1 to 29 January 2023 subject to conditions.<sup>4</sup> The Defence seeks to expedite the review of Mr Selimi’s detention so as to allow for release during this period. The Panel notes at the outset that the proposed deadline in the Request for the SPO’s response to the Selimi Submissions on Detention (27 December) has passed. Indeed, the Request seeks an order effectively requiring the SPO’s response to be filed on the same day that the Request was notified. This, in the view of the Panel, is manifestly unreasonable.

6. Given that the Selimi Submissions on Detention (including the Request) were submitted after filing hours, they were only distributed to the SPO on 27 December due to the Specialist Chambers’ official holidays. The Panel considers that under the circumstances it would be onerous to reduce the time limit for the SPO to respond to the Selimi Submissions on Detention earlier than the time allowed under the Rules. The Panel also finds that the Defence did not exercise diligence in making the Request in a timely fashion.

7. Thus, the Request is rejected.

### IV. DISPOSITION

8. For the above-mentioned reasons, the Panel hereby:

**ORDERS** the SPO to respond to the Selimi Submissions on Detention, should it wish to do so, by **Friday, 6 January 2023**. No reply to the SPO’s response will be permitted.

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<sup>4</sup> Selimi Submissions on Detention, paras 31, 36(iii).



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**Judge Charles L. Smith, III**  
**Presiding Judge**

Dated this Wednesday, 28 December 2022  
At The Hague, the Netherlands.