



**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:** 6 January 2023

**Language:** English

**Classification:** Confidential

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**Order Setting the Deadline for the Response to F01185 and F01186**

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**Acting Specialist Prosecutor**  
Alex Whiting

**Counsel for Hashim Thaçi**  
Gregory Kehoe

**Counsel for Victims**  
Simon Laws

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
David Young

**Counsel for Jakup Krasniqi**  
Venkateswari Alagendra

**TRIAL PANEL II** (“Panel”), pursuant to Rules 9(5)(a) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this order.

## I. PROCEDURAL BACKGROUND

1. On 9 December 2022, the Pre-Trial Judge issued the “Decision on Joint Defence Motion for Disclosure Pursuant to Rule 103 (F00877/COR)” (“Decision”).<sup>1</sup> The Pre-Trial Judge ordered the Specialist Prosecutor’s Office (“SPO”) to amend its Rule 102(3) notice and, subject to any necessary protective measures, disclose any requests for assistance or information and related responses (collectively, “RFAs”) leading to the production of evidence in this case, by 13 January 2023.<sup>2</sup> Finally, the Pre-Trial Judge extended the deadline for any Rule 77 requests to 9 January 2023.<sup>3</sup>
2. On 4 January 2023, the SPO filed its request for reconsideration or leave to appeal the Decision (“Motion”).<sup>4</sup>
3. On 4 January 2023, the SPO also requested that the Panel grant suspensive effect in relation to the Pre-Trial Judge’s order for the submission of the amended SPO notice and to disclose the RFAs by 13 January 2023 (“Request”),<sup>5</sup> until a final decision by either the Panel or Court of Appeals on the issues raised in the Motion.

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<sup>1</sup> KSC-BC-2020-06, F01149, Pre-Trial Judge, *Decision on Joint Defence Motion for Disclosure Pursuant to Rule 103 (F00877/COR)*, 9 December 2022, confidential.

<sup>2</sup> Decision, paras 76, 78, 85(a).

<sup>3</sup> Decision, paras 84, 85(g).

<sup>4</sup> KSC-BC-2020-06, F01185, Specialist Prosecutor, *Prosecution Request for Reconsideration or Leave to Appeal Decision F01149*, 4 January 2023, confidential.

<sup>5</sup> KSC-BC-2020-06, F01186, Specialist Prosecutor, *Prosecution Request for Suspensive Effect Relating to Decision F01149*, 4 January 2023, confidential.

## II. APPLICABLE LAW

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

5. 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

6. Mindful of: (i) the upcoming deadline for the amended Rule 102(3) notice and disclosure and (ii) the time needed to hear from the Defence and Victims' Counsel, if they wish to do so, on the Request and Motion, the Panel considers it necessary to reduce the relevant response time limit established by the Rules.

## IV. DISPOSITION

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

**ORDERS** the Defence and the Victims' Counsel to respond to the SPO's Request for suspensive effect relating to Decision F01149 and Request for reconsideration or leave to appeal Decision F01149, should they wish to do so, by **Tuesday, 10 January 2023 by 4pm**. No reply to the Defence's or Victims' Counsel's response will be permitted.



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

Dated this Friday, 6 January 2023  
At The Hague, the Netherlands.