



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: 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: 10 February 2023

Language: English

Classification: Public

Decision on Victims' Counsel's Request for an Extension of Time

Acting Specialist Prosecutor
Alex Whiting

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

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 Rule 9(5) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 16 December 2022, the Panel ordered the Specialist Prosecutor's Office ("SPO") to submit a list of the first 12 witnesses it intends to call to testify, or those witnesses to be heard within the first three weeks of trial, whichever is greater.¹
2. On the same date, the Panel ordered Victims' Counsel, *inter alia*, to notify the Panel, Parties and participants of the intention to question any of the first 12 SPO witnesses, and if so, the anticipated length of the questioning, by 3 February 2023.²
3. The SPO served its list of the first 12 witnesses on Victim's Counsel on 1 February 2023.³
4. On 3 February 2023, Victim's Counsel made an initial submission regarding its intention to question two SPO witnesses, and further requested an extension of time to submit a supplemental notice regarding one additional witness by 13 February 2023 ("Request").⁴
5. On 6 February 2023, the Panel, by way of e-mail, ordered the Parties to file any response to the Request by 8 February 2023. The Defence for Hashim Thaçi filed submissions on the manner of questioning permitted of Victims' Counsel

¹ Transcript, 16 December 2022, p. 1773, lines 9-13 (third oral order).

² Transcript, 16 December 2022, p. 1774, lines 2-22 (third oral order).

³ F01243, *Prosecution submission of list of first 12 witnesses and associated information with confidential annex 1*, 1 February 2023, with confidential Annex 1 (F01243/A01).

⁴ F01253, *Victims' Counsel, Victim Counsel's Notification of Wish to Cross-Examine Witnesses and Request for Additional Time to Submit Further Notification*, 3 February 2023, confidential. A public redacted version was filed on 6 February 2023 (F01253/RED).

(“Thaçi Defence Submissions”).⁵ No Parties submitted a filing opposing Victims’ Counsel’s request for additional time to submit a supplemental notice.

6. On 9 February 2023, Victims’ Counsel submitted a request for leave to reply to the Thaçi Defence Submissions.⁶

II. APPLICABLE LAW

7. Pursuant to Rule 9(5)(a), the Panel may *proprio motu* or upon showing of good cause extend or reduce any time limit prescribed by the Rules or set by the Panel.

III. DISCUSSION

8. The Panel finds that Victims’ Counsel has demonstrated good cause, as required under Rule 9(5)(a), for an extension, given that there is an additional participating victim who only recently approached Victims’ Counsel with potential questions to be put to a witness. The Panel further considers that the deadline proposed in the Request, being 13 February 2023, is reasonable under the circumstances.

9. The Panel notes that the Thaçi Defence Submissions do not respond to the Request but, rather, raise new issues with the form of the questions that Victims’ Counsel is permitted to pose to witnesses. Therefore, the Panel considers that it is not necessary for Victims’ Counsel to seek leave to reply, as it has done. Under the circumstances, the Panel finds it appropriate to permit Victims’ Counsel to make oral submissions on the matter during the SPO conference scheduled for 15 February 2023.

IV. DISPOSITION

10. For the above-mentioned reasons, the Panel hereby **GRANTS** the Request.

⁵ F01267, Specialist Counsel, *Thaçi Defence Response to ‘Victims’ Counsel’s Notification of Wish to Cross-Examine Witnesses and Request for Additional Time to Submit Further Notification’*, 8 February 2023, confidential.

⁶ F01270, Victims’ Counsel, *Victims’ Counsel’s Request for Leave to Reply to Thaçi Defence Filing F01267*, 9 February 2023, confidential.



Judge Charles L. Smith, III
Presiding Judge

Dated this Friday, 10 February 2023
At The Hague, the Netherlands.