



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

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 6 March 2023

Language: English

Classification: Public

Decision on Veseli Request for Extension of Time to File Further Notice of Alibi

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TRIAL PANEL II (“Panel”), pursuant to Articles 21 and 40(2) and (6)(h) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office, and Rules 9(5)(a) and 104 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 28 October 2022, pursuant to an order by the Pre-Trial Judge,¹ the Defence for Hashim Thaçi (“Thaçi Defence”), the Defence for Kadri Veseli (“Veseli Defence”) and the Defence for Rexhep Selimi (“Selimi Defence”) filed notices of alibi.² The Defence for Jakup Krasniqi (“Krasniqi Defence”) did not file a notice of alibi.³

2. On 27 January 2023, pursuant to a decision by the Panel,⁴ the strictly confidential and *ex parte* version of the confirmed further amended indictment (“Indictment”)⁵ was reclassified as confidential and its *ex parte* status lifted.⁶

3. On the same date, the Panel ordered the Thaçi Defence, Veseli Defence, Selimi Defence and Krasniqi Defence (collectively, “Defence”), to: (i) file notices of alibi, if they had not already done so, or to amend or supplement their existing

¹ Transcript of Hearing, 8 September 2022, p. 1583, lines 7-13 (Second Oral Order).

² F01065, Specialist Counsel, *Thaçi Defence Notice of Alibi*, 28 October 2022; F01066, Specialist Counsel, *Veseli Defence Notice of Alibi*, 28 October 2022; F01067, Specialist Counsel, *Selimi Defence Notice of Alibi*, 28 October 2022.

³ See, however, F01051, Specialist Counsel, *Pre-Trial Brief of Jakup Krasniqi*, 21 October 2022, confidential, in particular, paras 19, 79. See also F00954, Specialist Counsel, *Krasniqi Defence Submissions for Fourteenth Status Conference*, 5 September 2022, confidential, para. 12(c) (a public redacted version was filed on 6 September 2022, F00954/RED).

⁴ F01229, Trial Panel II, *Decision on Indictment Redactions*, 26 January 2023, strictly confidential and *ex parte*, para. 40(a) (a confidential redacted version was filed on 27 January 2023, F01229/CONF/RED).

⁵ F00999/A01, Specialist Prosecutor, *Annex 1 to Submission of Confirmed Amended Indictment*, 30 September 2022, confidential.

⁶ F01239, Registry (Court Management Unit), *Memorandum in Compliance with the “Confidential Redacted Version of Decision on Indictment Redactions”*, F1229, 30 January 2023, confidential.

notices of alibi, by 4 p.m. on 15 February 2023 (“Notice Order”);⁷ and (ii) disclose, by 4 p.m. on 31 March 2023, the names and current contact information of witnesses, and any other evidence on which the respective Accused intends to rely to establish the alibi, insofar as the Defence is not in a position to disclose that information by 15 February 2023 (“Disclosure Order”).⁸

4. On 15 February 2023, the Veseli Defence filed a further notice of alibi (“Veseli Notice”),⁹ wherein, *inter alia*, it requested an extension of time until 31 March 2023 to provide an additional notice of alibi (if any) in relation to recently unredacted allegations in certain paragraphs of the Indictment (“Veseli Request” and “Relevant Indictment Paragraphs”).¹⁰ The Veseli Defence submits that its considerable workload and the difficulties in visiting Kosovo to carry out investigations during this particularly busy period warrants the requested extension of time.¹¹

II. DISCUSSION

5. As regards the timeliness of the Veseli Request, the Panel observes that the Veseli Request was submitted on 15 February 2023, which was the day on which the initial deadline set by the Panel in the Notice Order expired. While it would have been preferable if the Veseli Request had been submitted earlier, the Panel notes that: (i) Rule 104(3) gives the Defence some latitude in amending a notice of alibi; and (ii) on 15 February 2023, the Veseli Defence provided an initial indication that it intends to file an alibi in relation to the Relevant Indictment

⁷ F01231, Trial Panel II, *Order on Further Notice of Alibi and Associated Disclosure* (“Alibi Order”), 27 January 2023, confidential, para. 19(a)-(b).

⁸ Alibi Order, para. 19(c).

⁹ F01297, Specialist Counsel, *Veseli Defence Supplemental Notice of Alibi*, 15 February 2023, confidential.

¹⁰ Veseli Notice, paras 7, 8(b) and fn. 7.

¹¹ Veseli Notice, para. 7.

Paragraphs. In these circumstances, the Panel considers the Veseli Request to be timely.

6. As regards the good cause requirement, the Panel notes that the Relevant Indictment Paragraphs were substantially redacted in the confidential redacted version that was available to the Defence prior to the lifting of all redactions on 27 January 2023.¹² Furthermore, the Panel takes into consideration that: (i) the Veseli Defence's ability to carry out investigations in Kosovo was negatively affected by the busy workload before trial; and (ii) granting the Veseli Defence more time to provide an additional notice of alibi in relation to the recently unredacted allegations¹³ could result in a more meaningful notice of alibi in this respect and further promote the expeditious conduct of proceedings. Accordingly, the Panel finds that there is good cause for an extension of time.

7. Moreover, the Panel considers that a deadline of 31 March 2023 is reasonable given that this coincides with the deadline set by the Panel in the Disclosure Order and is prior to the opening of the case on 3 April 2023.¹⁴

8. Accordingly, the Veseli Request is granted.

¹² F00999/A02, Specialist Prosecutor, *Annex 2 to Submission of Confirmed Amended Indictment*, 30 September 2022, confidential.

¹³ Veseli Notice, fn. 7.

¹⁴ Transcript of Hearing, 15 February 2023, p. 2038, line 9 to p. 2039, line 1 (First Oral Order).

III. DISPOSITION

9. In light of the above, the Panel:
- a. **GRANTS** the Veseli Request; and
 - b. **AUTHORISES** the Veseli Defence to provide, **by 4 p.m. on 31 March 2023**, an additional notice of alibi in relation to the Relevant Indictment Paragraphs.



Judge Charles L. Smith, III
Presiding Judge

Dated this Monday, 6 March 2023

At The Hague, the Netherlands.