



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-06  
**Specialist 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 Guénaël Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Acting Specialist Prosecutor

**Date:** 14 March 2023

**Language:** English

**Classification:** Public

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**Prosecution response to Thaçi, Selimi and Krasniqi Defence request for time extension (F01364)**

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**Specialist Prosecutor's Office**

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Gregory Kehoe

**Counsel for Kadri Veseli**

Ben Emmerson

**Counsel for Rexhep Selimi**

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1. The Defence Request<sup>1</sup> for a six-week extension<sup>2</sup> to respond to the Prosecution Motion<sup>3</sup> is unreasonable and unsupported. However, the Specialist Prosecutor's Office ('SPO') does not object to a reasonable extension of up to two weeks and defers to the Panel as to the appropriate deadline.
2. On 9 February 2023, the SPO filed a motion requesting an extension of the word limit for – and thereby notifying the Defence of its intention to file – the Prosecution Motion.<sup>4</sup> On the same day, the SPO emailed counsel for each of the four Accused, providing a list of the ERNs of statements that would be the subject of the Prosecution Motion.<sup>5</sup> On 8 March 2023, the Prosecution Motion was notified. Any Defence response is currently due by 20 March 2023.
3. Consequently, the Defence was provided the nature and the subject of the Prosecution Motion, including the ERNs of the relevant statements, a full month in advance. The Defence has had ample time to refamiliarise themselves with these specific statements of the Accused in the context of a motion for their admission.
4. Similarly, the Defence assertion that because the 'Rules or the KSC Law' do not specifically regulate the admission of prior statements of an accused, this is a 'novel matter,'<sup>6</sup> is unpersuasive. The fact that the Law and Rules do not include a specific provision governing the admissibility of an accused's prior statement is a matter that was known to the Defence since the outset of the case, also considering that such statements were disclosed under Rule 102(1)(a) during the pre-trial stage of the proceedings, are on

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<sup>1</sup> Thaçi, Selimi and Krasniqi Defence Request for an Extension of Time for Response to 'Prosecution motion for admission of Accused's statements', KSC-BC-2020-06/F01364, 10 March 2023 ('Defence Request').

<sup>2</sup> As noted below, any Defence response is currently due 20 March 2023. The Defence Request seeks an extension to 1 May 2023.

<sup>3</sup> Prosecution motion for admission of Accused's statements with public Annex 1, KSC-BC-2020-06/F01351, 8 March 2023 ('Prosecution Motion').

<sup>4</sup> See Prosecution Request for Extension of Words to File Motion for Admission of Prior Statements of the Accused, KSC-BC-2020-06/F01273, 9 February 2023.

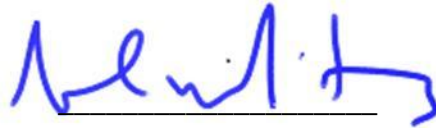
<sup>5</sup> See Email from SPO to Defence dated 9 February 2023, at 17:11.

<sup>6</sup> Defence Request, KSC-BC-2020-06/F01364, para.6.

the list of exhibits the SPO intends to rely upon at trial, and many were relied upon in the Prosecution's pre-trial brief.

5. Accordingly, while the SPO does not oppose a reasonable extension, the Defence Request for an additional six weeks to respond to Prosecution Motion should be denied.

**Word Count: 419**



**Alex Whiting**

**Acting Specialist Prosecutor**

Tuesday, 14 March 2023

At The Hague, the Netherlands.