



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 April 2023

Language: English

Classification: Public

**Decision on SPO Request for Extension of Time to Reply to Defence Responses to
Motion for the Admission of Accused's Statements**

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 Alagendra

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

I. PROCEDURAL BACKGROUND

1. On 8 March 2023, the Specialist Prosecutor’s Office (“SPO”) filed a motion for the admission of the Accused’s statements (“Motion”).¹
2. On 10 March 2023, the Defence for Hashim Thaçi, Rexhep Selimi, and Jakup Krasniqi jointly filed a request for additional time to respond.²
3. On 16 March 2023, the Panel granted the Defence’s request.³
4. On 17 April 2023, during a hearing, pursuant to a request from the Defence for Hashim Thaçi,⁴ the Panel granted an additional extension of time to all Defence teams to respond to the Motion.⁵
5. On 24 April 2023, the Defence for Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi (“Defence”) filed responses to the SPO’s Motion.⁶

¹ F01351, Specialist Prosecutor, *Prosecution Motion for Admission of Accused’s Statements*, 8 March 2023, with Annex 1.

² F01364, Specialist Counsel, *Thaçi, Selimi and Krasniqi Defence Request for an Extension of Time for Response to “Prosecution motion for admission of Accused statements”*, 10 March 2023.

³ F01378, Trial Panel, *Decision on Thaçi, Selimi and Krasniqi Defence Request for an Extension of Time for Response to ‘Prosecution Motion for Admission of Accused’s Statements’*, 16 March 2023.

⁴ F01458, Specialist Counsel, *Thaçi Defence Request for an Extension of Time for Response to ‘Prosecution motion for admission of Accused’s statements’*, 17 April 2023.

⁵ Transcript of Hearing, 17 April 2023, pp. 2955-2957.

⁶ F01473, Specialist Counsel, *Selimi Defence Response to SPO Motion for Admission of Accused’s Statements*, 24 April 2023, confidential; F01474, Specialist Counsel, *Thaçi Response to ‘Prosecution Motion for Admission of Accused’s Statements’*, 24 April 2023, confidential; F01475, Specialist Counsel, *Krasniqi Defence Response to Prosecution Motion for Admission of Accused’s Statements*, 24 April 2023, confidential; F01476, Specialist Counsel, *Veseli Defence Response to Prosecution Motion for Admission of Accused’s Statements*, 24 April 2023, confidential.

6. On 26 April 2023, the SPO filed a request for an extension of the time limit to reply to the Defence's responses ("Request").⁷

II. DISCUSSION

7. Pursuant to Rule 76, a Party or participant must file a reply, if any, within five days of the response. The Panel may grant an extension where the application comes sufficiently in advance to enable the Panel to rule on the application before the expiry of the relevant time limit. Pursuant to Rule 9(5)(a), the party seeking additional time must demonstrate good cause for an extension.

8. As regards the timeliness of the Request, the Panel notes that the Request was filed sufficiently in advance of the deadline.

9. As regards the good cause requirement, the SPO submits that the Request will not prejudice the Defence, will enable focused and streamlined replies, and will ultimately facilitate the Panel's consideration of the Motion. In particular, the Defence's responses raise new, complex legal and factual issues, including concerning the manner in which the proposed statements were taken and the procedure and purported limits on admission. Finally, the SPO submits that the number and volume of statements concerned and competing deadlines, which previously justified extensions of time for the Defence, also militate in favour of the Request.⁸

10. For the reasons submitted by the SPO, and further noting that the Defence did not oppose the Request, the Panel finds that the good cause requirement is met under the circumstances. Moreover, the Panel considers that the proposed extension of one week⁹ (i.e., until 8 May 2023) is reasonable.

⁷ F01477, Specialist Prosecutor, *Prosecution Request for Time Extension to Reply to Filings F01473, F01474, F01475, and F01476*, 26 April 2023.

⁸ Request, para. 2.

⁹ Request, para. 1.

11. Accordingly, the Request is granted.

III. DISPOSITION

12. The Panel **GRANTS** the Request and instructs the SPO to file a reply to the Defence's responses to the Motion by Monday, 8 May 2023.

A handwritten signature in black ink, reading "Charles L. Smith, III". The signature is written in a cursive style with a horizontal line underneath the name.

Judge Charles L. Smith, III
Presiding Judge

Dated this Friday, 28 April 2023

At The Hague, the Netherlands.