



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2020-06  
**The 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 Guénaél Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Fidelma Donlon

**Date:** 20 December 2023

**Language:** English

**Classification:** Public

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**Decision on Joint Defence Request for Extensions of the Time Limit to Respond to Certain Filings**

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**Specialist Prosecutor**  
Kimberly P. West

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Simon Laws

**Counsel for Hashim Thaçi**  
Gregory Kehoe

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
Geoffrey Roberts

**Counsel for Jakup Krasniqi**  
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**TRIAL PANEL II** (“Panel”), pursuant to Articles 21(4)(c) and 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 9(5)(a) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 25 January 2023, the Panel issued its order on the conduct of proceedings (“Order on the Conduct of Proceedings”).<sup>1</sup>
2. On 16 November 2023, the Panel ordered the Specialist Prosecutor’s Office (“SPO”) to file a list of witnesses it intends to call to testify for the evidentiary period of January to March 2024 in accordance with paragraph 73 of the Order on the Conduct of Proceedings.<sup>2</sup>
3. On 8 December 2023, the SPO filed a motion for the admission of certain witnesses’ evidence pursuant to Rule 153 (“Second Rule 153 Request”).<sup>3</sup>
4. On 14 December 2023, the SPO filed a motion for the admission of certain witnesses’ evidence pursuant to Rule 154 (“Tenth Rule 154 Request”).<sup>4</sup>
5. On the same day, the SPO filed a list of witnesses for the evidentiary block of 15 January to 4 April 2024 (“SPO Witness List”).<sup>5</sup>

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<sup>1</sup> F01226/A01, Panel, *Annex 1 to Order on the Conduct of Proceedings*, 25 January 2023.

<sup>2</sup> Transcript of Hearing, 16 November 2023, p. 10227, lines 10-19.

<sup>3</sup> F01994, Specialist Prosecutor, *Prosecution Motion for the Admission of the Evidence of Witnesses W04016, W04019, W04044, W04305, W04361, W04722, W04816, W04850, W04851, and W04852 Pursuant to Rule 153*, 8 December 2023, confidential, with Annexes 1-10, confidential (a public redacted version was filed on the same day, F01994/RED).

<sup>4</sup> F02005, Specialist Prosecutor, *Prosecution Motion for Admission of Evidence of Witnesses W01453, W03878, W04446, W04575, and W04651 Pursuant to Rule 154*, 14 December 2023, confidential, with Annexes 1-5, confidential (a public redacted version was filed on the same day, F02005/RED).

<sup>5</sup> F02007, Specialist Prosecutor, *Prosecution Submission of List of Witnesses for 15 January to 4 April 2024*, 14 December 2023, with Annexes 1-2, confidential.

6. On 15 December 2023, the Defence for Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi (collectively “the Defence”) requested extensions of the time limit to file joint responses to the Second Rule 153 Request, the Tenth Rule 154 Request and the SPO Witness List (“SPO Filings”), in light of the deadlines to respond falling during judicial recess. In particular, the Defence requested extensions of the time limits: (i) until Monday, 22 January 2024 to respond to the Second Rule 153 Request; (ii) until Monday, 15 January 2024 to respond to the Tenth Rule 154 Request; and (iii) until Monday, 15 January 2025 to file its objections to the SPO Witness List, excluding observations on W04489 and W04576, which it will endeavour to submit by the current deadline (“Request”).<sup>6</sup>

7. On 19 December 2023, the SPO indicated that it does not oppose the Request if the Defence submits its observations in relation to W04489 and W04576 by the current deadline.<sup>7</sup>

## II. APPLICABLE LAW

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

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<sup>6</sup> CRSPD397, *Email from Defence to the Court Management Unit*, 15 December 2023.

<sup>7</sup> CRSPD399, *Email from SPO to the Parties and participants*, 19 December 2023.

### III. DISCUSSION

9. The Panel finds that the Request is timely as it was filed sufficiently in advance of the relevant deadlines.

10. The Panel finds that the Defence has demonstrated good cause, as required under Rule 9(5)(a), for extensions of time to respond to the SPO Filings given the number of deadlines faced by the Defence and the upcoming judicial recess. The Panel also notes that the SPO does not oppose the requested extensions if the Defence submits its observations in relation to W04489 and W04576 by the current deadline.

11. The Panel considers, however, that the proposed extensions of time until 15 and 22 January 2024 requested by the Defence are not reasonable in the circumstances. In particular, even though the Defence has indicated that it will submit its observations on W04489 and W04576 earlier than the proposed deadlines, the extensions sought by the Defence do not appear to be justified and could delay the proceedings.

12. In light of the above, other than in respect of W04489 and W04576 for which the deadline set under the Rules continues to apply, the Panel extends the deadline for the Defence to respond to the Tenth Rule 154 Request and SPO Witness List to **Monday, 8 January 2024**, and the deadline for the Defence to respond to the Second Rule 153 Request to **Monday, 15 January 2024**.

## IV. DISPOSITION

13. In light of the above, the Panel hereby:

- a) **GRANTS** the Request, in part; and
- b) **EXTENDS** the deadline for the Defence to respond to the Tenth Rule 154 Request and the SPO Witness List to **Monday, 8 January 2024** (other than in respect of W04489 and W04576), and the deadline for the Defence to respond to the Second Rule 153 Request to **Monday, 15 January 2024**.



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

Dated this Wednesday, 20 December 2023

At The Hague, the Netherlands.