

**In:** KSC-BC-2020-07  
**The Prosecutor v. Hysni Gucati and Nasim Haradinaj**

**Before:** **Trial Panel II**  
Judge Charles L. Smith, III, Presiding Judge  
Judge Christoph Barthe  
Judge Guénaél Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Counsel for Nasim Haradinaj

**Date:** 15 November 2021

**Language:** English

**Classification:** **Public**

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**Defence Application to Extend Word Limit for Rule 130 Submission**

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**Specialist Prosecutor**

Jack Smith

**Counsel for Nasim Haradinaj**

Toby Cadman

Carl Buckley

Jonathan Worboys

**Counsel for Hysni Gucati**

Jonathan Elystan Rees QC

Huw Bowden

Eleanor Stephenson

## I. Application

1. As per the confirmed oral submissions, the Defence for Mr. Haradinaj seeks to submit an application to dismiss all charges on the indictment, in accordance with the Rule 130 of the Rules of Procedure and Evidence.
2. In accordance with the 'Registry Practice Direction – Files and Filings before the Kosovo Specialist Chambers',<sup>1</sup> that submission should be no longer than 6000 words per Article 41.
3. The Defence for Mr. Haradinaj applies for an extension of that word limit from 6000, to 9000 words per Article 36(1) of that Practice Direction.
4. In seeking to show good cause for the application, the Defence would highlight the following:
  - a. A significant amount of documentary as well as oral evidence has been or falls to be considered by the trial panel, which in turn must be addressed where relevant, within the Rule 130 application;
  - b. The Defence highlights that there are 6 counts on the indictment, the Rule 130 application seeking to dismiss all 6 counts, and therefore the submissions will

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<sup>1</sup> KSC-BD-15

be of an appropriate length to address each count and the evidential basis for the same;

- c. It is respectfully submitted that no prejudice will be suffered by the SPO, this application being made on a timely basis, and prior to the deadline for submission of the substantive application. The SPO are therefore 'on notice';
- d. It is respectfully submitted that to enable the Defendant to be in a position to argue the application appropriately and fully, the granting of such an extension is in the interests of justice; and
- e. The extension requested has been kept to a minimum in the interests of efficiency.

- 5. Having regard to the above, the Defence for Mr. Haradinaj would respectfully submit that the application to extend ought to be granted.

Word Count: 394 words



**Toby Cadman**

**Specialist Counsel**



**Carl Buckley**

**Specialist Co-Counsel**