



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA 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: 12 January 2024

Language: English

Classification: Public

Decision on Joint Defence Request for Variation of the Word Limit

Specialist Prosecutor
Kimberly P. West

Counsel for Victims
Simon Laws

Counsel for Hashim Thaçi
Gregory Kehoe

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
Geoffrey Roberts

Counsel for Jakup Krasniqi
Venkateswari Alagendra

TRIAL PANEL II (“Panel”), pursuant to Article 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Articles 36(1) and 41 of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers (“Practice Direction”),¹ hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 10 January 2024, the Defence teams for Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi (collectively “Defence”) filed a Joint Defence Request for Variation of the Word Limit (“Request”)² for their forthcoming joint response, due on Monday, 15 January 2024, to the 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 (“Rule 153 Response” and “Rule 153 Motion”, respectively).³

2. The SPO and Victims’ Counsel did not respond to the Request.⁴ They have however indicated, *inter partes*, that they do not object to the extension requested.⁵

II. SUBMISSIONS

3. The Defence requests a variation of the word limit for its Rule 153 Response from 6,000 to 7,500 words.⁶ It submits that: (i) exceptional circumstances relating to the length, volume, and diversity of the items contained in the Rule 153 Motion justify the requested extension, which will allow the Defence to be fully heard on

¹ KSC-BD-15, *Practice Direction on Files and Filings before the Kosovo Specialist Chambers*, 17 May 2019.

² F02050, Specialist Counsel, *Joint Defence Request for Variation of the Word Limit*, 10 January 2024.

³ 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).

⁴ CRSPD 402, *Email from Trial Panel II to CMU re Response to F2050*, 11 January 2024, confidential.

⁵ Request, para. 4.

⁶ Request, paras 1, 6.

the issue at stake;⁷ (ii) the filing of a joint Rule 153 Response will promote overall efficiency;⁸ (iii) no prejudice will derive to the SPO and Victims' Counsel from the extension, to which, as indicated *inter partes*, they do not object;⁹ and (iv) the Request is timely.¹⁰

III. DISCUSSION

4. The Panel finds that the Request was filed in a timely manner.

5. The Panel considers that exceptional circumstances justifying the variation of word limit exist in this case. In particular, the volume and complexity of information relevant to the Rule 153 Motion constitute good cause for granting the extension requested. In addition, the Defence's intention to file a joint Rule 153 Response will avoid unnecessary repetition, thereby promoting overall efficiency.

6. The Panel further considers that the SPO and Victims' Counsel have indicated *inter partes* that they do not object to the Request and no prejudice will be caused to them as a result of granting the requested extension.

⁷ Request, para. 2.

⁸ Request, para. 3.

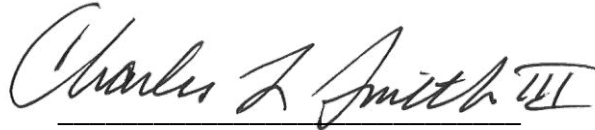
⁹ Request, para. 4.

¹⁰ Request, para. 5.

IV. DISPOSITION

7. For these reasons, the Panel hereby:

- a) **GRANTS** the Request; and
- b) **EXTENDS** the word limit of the Rule 153 Response to no more than **7,500 words**.

A handwritten signature in black ink, reading "Charles L. Smith, III", written over a horizontal line.

Judge Charles L. Smith, III

Presiding Judge

Dated this Friday, 12 January 2024

At The Hague, the Netherlands.