

In: KSC-BC-2020-06
The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 2 December 2020
Language: English
Classification: Confidential

Thaçi Defence Application for an Extension of the Word Limit

Specialist Prosecutor
Jack Smith

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David Young

Counsel for Jakup Krasniqi
Venkateswari Alagenda

I. INTRODUCTION

1. Pursuant to Article 36(1) of the Practice Direction,¹ the defence for Mr Hashim Thaçi (“the defence”) requests an extension of the word limit in order to authorize the filing of an application for interim release of 8500 words. The defence submits that the exceptional circumstances justifying such an extension are constituted by the importance of the subject matter of the application and the volume of material which requires to be addressed therein.
2. The present application is filed as confidential because it refers to confidential filings and disclosure but the defence has no objection to its reclassification as public.

II. SUBMISSIONS

3. An application for interim release pending trial is one of the most important filings a defence team will make. Given the issue at stake, the liberty of the accused, such a request requires to be detailed and properly reasoned, both legally and factually.
4. In the present case, the arguments made by the Specialist Prosecutor’s Office (“SPO”) in seeking Mr Thaçi’s arrest and detention are extensive and the material relied on is voluminous. While the SPO initial substantive request itself extends to 6,690 words,² above the 6,000-word limit,³ the material relied on is provided in three annexes and in the SPO disclosure package 7, containing 35 documents

¹ Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019 (“Practice Direction”).

² KSC-BC-2020-06/F00005/CONF/RED, Confidential Redacted Version of ‘Request for arrest warrants and related orders’, filing KSC-BC-2020-06/F00005 dated 28 May 2020, with confidential redacted Annex 1 and confidential annexes 2 and 3, notified on 15 November 2020.

³ Practice Direction, Article 41.

(reports, judgements, witnesses statements, etc.) notified on 20 November 2020.

In addition, the issues raised, such as the alleged risk of flight and witness interferences, have been addressed subsequently in several other filings to which the defence may reply.⁴

5. In order to address properly the SPO's arguments and supporting material, the defence requires an extension of the 6,000-word limit.

III. CONCLUSION

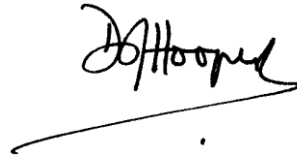
6. For the forgoing reasons, the defence requests the Pre-Trial Judge to:

AUTHORISE the above requested extension of the word limit in respect of the application for interim release to be filed by the defence.

⁴ KSC-BC-2020-06/F00020, Order to the Specialist Prosecutor for Further Submissions, dated 12 October 2020, reclassified as public on 20 November 2020; KSC-BC-2020-06/F00022/Conf/Red, Confidential redacted version of 'Prosecution submissions pursuant to Order KSC-BC2020-06-F00020', filing KSC-BC-2020-06-F00022 dated 19 October 2020, notified on 18 November 2020; KSC-BC-2020-06/F00027, Confidential Decision on Request for Arrest Warrants and Transfer Orders, dated 26 October 2020, notified on 25 November 2020; KSC-BC-2020-06/F00027/A01/RED, Public redacted version of Arrest Warrant for Hashim Thaçi, dated 26 October 2020, notified on 5 November 2020; KSC-BC-2020-06/F00028, Confidential and ex parte Decision Authorising Search and Seizure, dated 26 October 2020, notified on 25 November 2020; KSC-BC-2020-06/F00094/CONF/RED, Confidential Redacted Version of 'Request for Protective measures', KSC-BC-2020-06/F00094/CONF/RED, dated 19 November 2020, notified on 24 November 2020 with confidential annexe 13; KSC-BC-2020-06/F00102/CONF/RED, Confidential Redacted Version of Supplement to Request for Protective Measures with confidential redacted Annexes 1 and 2, 26 November 2020.

[Word count: 605]

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D Hooper", with a long horizontal flourish extending to the left.

David Hooper

Specialist Counsel for Hashim Thaçi

Monday, 2 December 2020

At Istanbul, Turkey