



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: **Pre-Trial Judge**

Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 5 January 2021

Language: English

Classification: **Public**

Decision on Thaçi Defence Request for Extension of the Reply Word Limit

Specialist Prosecutor
Jack Smith

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(3) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, Rule 82(5) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules") and Article 36(1) of the Practice Direction on Files and Filings ("Practice Direction"),² hereby issues the following decision.

I. PROCEDURAL BACKGROUND

1. On 4 December 2020, the Defence for Hashim Thaçi ("Thaçi Defence") filed an application for his interim release.³ On 16 December 2020, the Specialist Prosecutor's Office ("SPO") opposed the motion.⁴
2. On 7 and 17 December 2020, the Defence for the other three Accused also filed motions for interim release.⁵ The SPO responded to these requests on 17 December 2020 and 4 January 2021.⁶

¹ KSC-BC-2020-06, F00001, President, *Decision Assigning a Pre-Trial Judge*, 23 April 2020, public.

² Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers (KSC-BD-15), 17 May 2019.

³ KSC-BC-2020-06, F00120/RED, Thaçi Defence, *Public Redacted Version of Application for Interim Release on Behalf of Mr Hashim Thaçi*, 4 December 2020, public.

⁴ KSC-BC-2020-06, F00149/RED, Specialist Prosecutor, *Public Redacted Version of Prosecution Response to Application for Interim Release on Behalf of Mr Hashim Thaçi*, 21 December 2020, public, para. 1, with Annex 1, public, and Annex 2, confidential.

⁵ KSC-BC-2020-06, F00122/RED, Krasniqi Defence, *Public Redacted Version of Application for Interim Release*, KSC-BC-2020-06/F00122, Dated 7 December 2020, 18 December 2020, public, with Annexes 1-3, public; F00124/RED, Selimi Defence, *Public Redacted Version of Defence Application for Interim Release*, KSC-BC-2020-06/F00124, Dated 7 December 2020, 12 December 2020, public, with Annexes 1-3, public; F00151, Veseli Defence, *Application for Interim Release of Kadri Veseli*, 17 December 2020, confidential, with Annexes 1-7, confidential.

⁶ KSC-BC-2020-06, F00153/RED, Specialist Prosecutor, *Public Redacted Version of Prosecution Response to Application for Interim Release on Behalf of Mr Jakup Krasniqi*, 22 December 2020, public, with Annex 1, confidential; F00154/RED, Specialist Prosecutor, *Public Redacted Version of Prosecution Response to Application for Interim Release on Behalf of Mr Rexhep Selimi*, 22 December 2020, public, with Annex 1, confidential; F00161, Specialist Prosecutor, *Prosecution Response to Application for Interim Release on Behalf of Mr Kadri Veseli*, 4 January 2021, confidential, with Annex 1, confidential.

3. On 18 December 2020, the Pre-Trial Judge authorised the Thaçi Defence, as well as the Defence for Rexhep Selimi and Jakup Krasniqi, to file their respective replies by 7 January 2021.⁷

4. On 4 January 2021, the Thaçi Defence requested, pursuant to Article 36(1) of the Practice Direction, an extension of the word limit for its upcoming reply (“Request”).⁸ That same day, the SPO responded to the Request (“Response”).⁹

II. APPLICABLE LAW

5. Pursuant to Article 41 of the Practice Direction, any reply to a motion shall not exceed 2,000 words.

6. Pursuant to Article 36(1) of the Practice Direction, participants to proceedings may seek, sufficiently in advance, an extension of the word limit upon showing that good cause exists constituting exceptional circumstances.

7. Pursuant to Rule 82(5) of the Rules, the Panel may reclassify a filing upon request by any other participant or *proprio motu*.

III. DISCUSSION

8. The Thaçi Defence submits that it requires an extension of the word limit for its reply to 6,000 words in order to make properly reasoned submissions, both legally and factually, on the at least seven novel allegations against Mr Thaçi raised in the

⁷ KSC-BC-2020-06, F00155, Pre-Trial Judge, *Decision on Defence Requests to Vary Time Limits*, 18 December 2020, public, para. 23.

⁸ KSC-BC-2020-06, F00158, Thaçi Defence, *Thaçi Defence Application for an Extension of the Word Limit*, 4 January 2021, confidential, para. 1.

⁹ KSC-BC-2020-06, F00160, Specialist Prosecutor, *Prosecution Response to Thaçi Defence Request for Extension of Word Limit*, 4 January 2021, confidential.

Response and the 200 pages of material annexed thereto.¹⁰ It also does not object to the Request being reclassified as public.¹¹

9. The SPO does not oppose the Defence receiving a moderate extension of word limit, and does not object to the Response being reclassified as public.¹²

10. The Pre-Trial Judge considers that the Request for extending the word limit has been filed sufficiently in advance in the present circumstances, namely the first day after judicial recess following the SPO Response and three working days in advance of the deadline for the upcoming reply. The Pre-Trial Judge finds that good cause exists in the present case, constituting exceptional circumstances, to justify an extension of word limit, given the number of issues and the volume of material to which the Thaçi Defence seeks to reply. Accordingly, the Pre-Trial Judge extends the word limit to up to 6,000 words.

11. In the interest of judicial economy and given the possibility that the Defence for the other three Accused in this case may seek similar relief, the Pre-Trial Judge authorises the same extension of word limit for the other three Defence teams, should they also wish to file replies.

IV. DISPOSITION

12. For the above-mentioned reasons, the Pre-Trial Judge hereby:

- a) **GRANTS** the Request and extends the word limit to up to 6,000 words in respect of the Thaçi Defence reply;
- b) **AUTHORISES** the same extension of word limit for the Defence for the other three Accused in respect of their replies, if any; and

¹⁰ Request, paras 14-15.

¹¹ Request, para. 2.

¹² Response, paras 1-2.

c) **ORDERS** the Registrar to reclassify F00158 and F00160 as public.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 5 January 2021
At The Hague, the Netherlands.