

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: 5 February 2021

Language: English

Classification: Public

**Urgent Thaçi Defence response to the “Veseli Request for Extension of Word limit
for Preliminary Motions”**

Specialist Prosecutor

Jack Smith

Counsel for Hashim Thaçi

David Hooper

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagenda

1. The Defence for Mr Hashim Thaçi (“Thaçi Defence”) responds to the Veseli request that the Pre-Trial Judge authorise an extension of the word limit for: (i) the preliminary motion to challenge jurisdiction under Rule 97(1)(a) of the Rules of Evidence, up to a total of 15,000 words; and (ii) the preliminary motion to challenge the indictment under Rule 97(1)(b) of the Rules of Evidence, up to a total of 10,000 words.¹

2. The Thaçi Defence informs the Pre-Trial Judge and the parties that it intends to file three (3) preliminary motions, all of which fall within the word limit as set out in Article 42 of the relevant Practice Direction.² One of the preliminary motions alleges defects in the form of the indictment; and the second and third raise jurisdictional challenges.

3. The Thaçi Defence understands Rule 97(1) as permitting the filing of multiple preliminary motions under each sub-paragraph, which is consistent with the practice of the *ad hoc* Tribunals,³ and a plain reading of the rule. If the Pre-Trial Judge interprets Rule 97(1) as limiting an accused to one preliminary motion per sub-paragraph, the Thaçi Defence hereby respectfully requests an extension of the word limit for a preliminary motion to challenge jurisdiction under Rule 97(1)(a), up to a total of 20,000 words, and endorses and adopts the Veseli Request arguments as regards the existence of good cause.

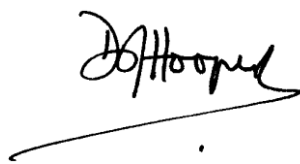
[Word count: 295]

¹ KSC-BC-2020-06/F00186 (“Veseli Request”).

² Practice Direction on Files and Filings before the Kosovo Specialist Chambers, 17 May 2019.

³ ICTY, *Prosecutor v. Karadžić*, IT-95-5/18-PT, Decision on Six Preliminary Motions Challenging Jurisdiction, 28 April 2009; ICTY, *Prosecutor v. Momčilo Perišić*, IT-04-81-PT, Decision on Preliminary Motions, 29 August 2005. See also the multiple jurisdictional challenges in ICTY, *Prosecutor v. Boškoski and Tarčulovski*, IT-04-82; ICTY, *Prosecutor v. Kordić and Čerkez*, IT-95-14/2.

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

5 February 2021

At London, United Kingdom