



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2020-06
Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon
Filing Participant: Specialist Prosecutor
Date: 15 April 2021
Language: English
Classification: Public

Prosecution request for extension of word limit on preliminary motions responses

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1. The Defence have filed 11 preliminary motions pursuant to Rule 97,¹ for which the Specialist Prosecutor's Office ('SPO')'s responses are due on 23 April 2021.² In respect of two responses to be filed, the SPO requests an extension of the word limit pursuant to Article 36(1) of the Practice Direction.³

2. First, each of the Defence teams has challenged the applicability of Joint Criminal Enterprise as a mode of liability; they have done so across four filings which extend in total to approximately 66 pages of submissions devoted to this issue alone.⁴ Noting the substantive overlap, and the fact that certain Defence teams have also adopted the submissions of others in whole (to the extent they were not inconsistent with their own),⁵ a consolidated response on this issue is warranted. In the circumstances, noting the very lengthy and detailed submissions to which the SPO is required to respond, there is good cause for an extension of word limit to 24,000 words for this response.

3. Second, filing KSC-BC-2020-06/F00223 extends to 19,544 words. One section of that filing comprises submissions on JCE⁶ and therefore will be addressed in the consolidated response on JCE. However, all other sections - encompassing four separate, additional topics related to charged crimes and modes of liability - will

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified. The filings in question are: KSC-BC-2020-06/F00198; KSC-BC-2020-06/F00215; KSC-BC-2020-06/F00216; KSC-BC-2020-06/F00217; KSC-BC-2020-06/F00219; KSC-BC-2020-06/F00220; KSC-BC-2020-06/F00221; KSC-BC-2020-06/F00222; KSC-BC-2020-06/F00223; KSC-BC-2020-06/F00224; KSC-BC-2020-06/F00225.

² Transcript of Status Conference on 24 March 2021, p.391.

³ Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019 ('Practice Direction'). The standard word limit for each response would be 9,000 words (see Practice Direction, Article 42).

⁴ KSC-BC-2020-06/F00198 (whole filing); KSC-BC-2020-06/F00216 (part of filing); KSC-BC-2020-06/F00220 (part of filing); KSC-BC-2020-06/F00223 (part of filing).

⁵ See, for example, KSC-BC-2020-06/F00223, fn.1.

⁶ Approximately 9 pages of the 68-page filing relate to JCE. Indeed, when combined with filings KSC-BC-2020-06/F00224 and KSC-BC-2020-06/F00225, the Veseli Defence filings slightly exceed the word limit which was authorised for preliminary motions.

remain to be addressed. As such, there is good cause for an extension of word limit to 18,000 words to respond to (the remainder of) that filing.

Word count: 380



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Thursday, 15 April 2021
At The Hague, the Netherlands.