



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: 7 May 2021

Language: English

Classification: **Public**

Decision on Defence Requests for Extension of the Reply Word Limit

Specialist Prosecutor
Jack Smith

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David Young

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(1) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office and Articles 36(1) and (2), and 42 of the Practice Direction on Files and Filings ("Practice Direction"),² hereby issues the following decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 3 May 2021, the Defence for Kadri Veseli ("Veseli Defence") requested ("Veseli Request"),³ pursuant to Article 36(1) of the Practice Direction, an extension of word limit of 4,000 words for each of its replies to two of the Specialist Prosecutor's Office ("SPO")'s responses (F00262 and F00263) to its preliminary motions submitted pursuant to Rule 97(1) of the Rules of Procedure and Evidence Before the Specialist Chambers ("Rules").⁴ It submits that: (i) the preliminary motions are the first of their kind before the Specialist Chambers, deal with complex legal issues, and the decisions rendered thereupon will establish a precedent which will be relied upon in future cases;⁵ (ii) the requested extensions are appropriate in light of the complexity of the aforementioned SPO responses and their volume;⁶ and (iii) the SPO was consulted and confirmed that it does not oppose the requested extension.⁷

2. On 5 May 2021, the Defence for Jakup Krasniqi ("Krasniqi Defence") joined the Veseli Request.⁸ It submits that in light of the length and complexity of SPO

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, F00272, Veseli Defence, *Veseli Defence Request for Word Limit Variation*, 3 May 2021, public.

⁴ Veseli Request, paras 1-2, 10.

⁵ Veseli Request, para. 6.

⁶ Veseli Request, para. 8.

⁷ Veseli Request, paras 3, 9.

⁸ KSC-BC-2020-06, F00277, Krasniqi Defence, *Krasniqi Defence Joinder to Veseli Defence Request for Word Limit Variation* ("Krasniqi Request"), 5 May 2021, public.

responses F00258 and F00263, an extension of the word limit of 4,000 words for the replies thereto is warranted.⁹

3. Also on 5 May 2021, the Defence for Hashim Thaçi (“Thaçi Defence”) responded to the Veseli Request.¹⁰ The Thaçi Defence endorses and adopts the submissions of the Veseli Defence as regards the existence of good cause to vary the word limit for a reply to F00263, and requests a maximum of 5,000 words for such reply.¹¹ It further requests an extension of the word limit for its replies to SPO responses F00258, F00259, and F00260 for a maximum of 5,000 words per reply, given the length of the aforementioned responses and the complexity and novelty of the issues raised before the Pre-Trial Judge.¹²

4. On 6 May 2021, the Defence for Rexhep Selimi (“Selimi Defence”) also joined the Veseli Request.¹³ The Selimi Defence endorses the submissions of the Veseli Defence with respect to the variation of the word limit for a reply to F00263 and requests a maximum of 4,000 additional words for such reply.¹⁴ It further requests an extension of word limit of a maximum of 4,000 additional words per reply to SPO responses F00258 and F00260, considering the length and the complexity of the aforementioned responses.¹⁵

⁹ Krasniqi Request, paras 1-3.

¹⁰ KSC-BC-2020-06, F00278, Thaçi Defence, *Thaçi Defence Response to the “Veseli Defence Request for Word Limit Variation”* (“Thaçi Request”), 5 May 2021, public.

¹¹ Thaçi Request, para. 2.

¹² Thaçi Request, para. 3.

¹³ KSC-BC-2020-06, F00281, Selimi Defence, *Selimi Defence Joinder to Veseli Defence Request for Word Limit Variation* (“Selimi Request”), 6 May 2021, public.

¹⁴ Selimi Request, para. 2.

¹⁵ Selimi Request, para. 3.

II. APPLICABLE LAW

5. Pursuant to Article 42 of the Practice Direction, any reply to a response to a preliminary motion submitted pursuant to Rule 97 of the Rules shall not exceed 3,000 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.

III. DISCUSSION

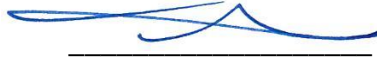
7. The Pre-Trial Judge considers that the respective requests of the Thaçi Defence, Veseli Defence, Selimi Defence, and Krasniqi Defence have been filed sufficiently in advance in the present circumstances as the deadline for filing replies to the responses to the preliminary motions is Friday, 14 May 2021.¹⁶ Furthermore, considering the length and/or subject matter of SPO responses F00258, F00259, F00260, F00261, F00262, and F00263, as well as the number of issues raised therein, the Pre-Trial Judge finds that in the present circumstances good cause, constituting exceptional circumstances, exists, justifying an extension of word limit. Moreover, in the interest of judicial economy, the Pre-Trial Judge considers it appropriate to grant the same extension of word limit to any Defence replies to the aforementioned SPO responses.

¹⁶ KSC-BC-2020-06, Transcript of Hearing, 24 March 2021, public, p. 391, lines 11-18.

IV. DISPOSITION

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

VARIES the word limit to up to 7,000 words per reply in respect of any Defence replies to filings F00258, F00259, F00260, F00261, F00262, and F00263.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Friday, 7 May 2021
At The Hague, the Netherlands.