

In: KSC-BC-2020-06

Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Pre-Trial Judge

Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Counsel for Kadri Veseli

Date: 1 June 2021

Language: English

Classification: PUBLIC

Veseli Defence Request for Word Limit Variation

Specialist Prosecutor's Office

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I. INTRODUCTION

1. Pursuant to Article 36(1) of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers ("Practice Direction"), the Defence for Kadri Veseli ("Defence") requests a variation of the word limit for submitting its observations for the purpose of detention review pursuant to Article 41(10) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law").

2. More particularly, the Defence requests that it be entitled to submit a motion which shall not exceed 7500 words.

II. RELEVANT STATUTORY PROVISIONS

3. Article 41 of the Practice Direction stipulates that any motion shall not exceed 6000 words.

4. Articles 36(1) and 36(2) of the Practice Direction stipulate that the Pre-Trial Judge may order a variation of word limits (i) in exceptional circumstances, (ii) sufficiently well in advance, (iii) after showing good cause and (iv) without response of an opposing party if no prejudice will arise therefrom.

III. SUBMISSION

i) Exceptional circumstances

5. The upcoming motion for the review of Mr Veseli's detention is the first to be submitted since the Office of the Specialist Prosecutor ("SPO") fulfilled its disclosure obligations under Rule 102(1)(a) of the Rules of Procedure and Evidence ("Rules"). In

this regard, the Pre-Trial Judge is referred to the response provided by the SPO representative at the status conference held on 16 February 2021:

“With respect to Rule 102(1)(a) material, I can confirm that the final items were disclosed in disclosure package 21 on 12 February and that Rule 102(1)(a) disclosure is therefore complete”.¹

6. As the Pre-Trial Judge is aware, the Law requires Rule 102(1)(a) disclosure to be completed as soon as possible but at least within 30 days of the initial appearance of an accused person before the Kosovo Specialist Chambers (“KSC”).

7. Mr Veseli surrendered to the custody of the KSC on 5 November 2020 and made his first application for interim release on 17 December 2020.² The Pre-Trial Judge issued his Decision on Kadri Veseli’s Application for Interim Release on 22 January 2021.³

8. With the benefit of the Rule 102(1)(a) disclosure, the Defence will now, for the first time, be able to address the “grounded suspicion” forming the evidentiary basis for detention under Article 41(6)(a) of the Law. The Defence will also be able to comment on the extent of redactions applied to such disclosed evidence in so far as it may impact on detention. Finally, the Defence will be able to present any instances of conduct arising out of the disclosed evidence which may support the mitigation of risk factors allegedly militating against interim release.

¹ Transcript of Status Conference held on 16 February 2021, p. 234 line 1.

² KSC-BC-2020-06/F00151.

³ KSC-BC-2020-06/F00178.

9. In order to raise these submissions in a comprehensive and professional manner, the Defence has, over the last week, benefited from the fruitful cooperation of the SPO by way of *inter partes* communication on disclosure matters.

10. The Defence has also obtained further information from Kosovo pertaining to conditions for release which will be addressed in its motion.

11. All the above considerations, without prejudging their merit, are essential for the Defence's upcoming motion and will not be argued again, with the same force, in detention proceedings. Accordingly, the circumstances are exceptional.

ii) Timing of the present request

12. There is no time limit for raising submissions relevant to detention review in so far as Rule 57(2) permits a request for interim release to be made "at any time" where a "change in circumstances" has occurred.

iii) Good cause

13. The Defence's request is modest. It is, furthermore, justified by the fundamental importance of permitting Mr Veseli - a detained individual - to exhaust all possible arguments in order to persuade the Pre-Trial Judge of the necessity for his interim release.

iv) Lack of prejudice

14. No prejudice will be caused if the Pre-Trial Judge renders a decision extending the word limit without receiving the SPO response. Should the SPO wish a similar proportional word limit variation in response, the Defence hereby gives its advance consent to such.

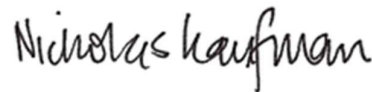
IV. CONCLUSION

15. In light of all the aforementioned, the Pre-Trial Judge is respectfully requested to order the variation of the word limit sought in paragraph 2 above.

Word count: 698



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