

In: KSC-BC-2020-06

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

Before: **President of the Kosovo Specialist Chambers**
Judge Ekaterina Trendafilova

Registrar: Dr Fidelma Donlon

Filing Participant: Counsel for Kadri Veseli

Date: 16 August 2021

Language: English

Classification: Public

Veseli Defence Request for Word Limit Variation

Specialist Prosecutor's Office

Jack Smith

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Victims

Simon Laws

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

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 interlocutory appeal against the Decision on Motions Challenging the Jurisdiction of the Specialist Chambers ("Jurisdiction Decision").¹
2. More particularly, the Defence requests that it be entitled to submit an appeal which shall not exceed 13 000 words, i.e. an extension of 4000 words.
3. The SPO was consulted and confirmed that it does not oppose the request.

II. RELEVANT STATUTORY PROVISIONS

4. Article 46(3) of the Practice Direction stipulates that an interlocutory appeal against a decision on a preliminary motion submitted pursuant to Rule 97(3) of the Rules shall not exceed 9,000 words.
5. 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

6. The Jurisdiction Decision – comprising a total of 98 pages – deals with complex legal issues of paramount importance which the Defence needs to address in a comprehensive manner. The decision rendered thereupon by the Appeals Panel will establish precedent which will be relied upon in future cases.

¹ KSC-BC-2020-06/F00412.

ii) Timing of the Present Request

7. On 5 August 2021, an Appeals Panel granted the Defence request to vary the time limit to appeal the Jurisdiction Decision and extended the deadline to 27 August 2021.² The Defence sought the SPO's approval for the requested word extension on 14 August 2021 and the SPO's response thereto was received on 15 August 2021. The present request is submitted in a timely manner, with approximately half of the allotted time to appeal remaining.

iii) Good Cause

8. In light of the number, complexity and novelty of the issues to be addressed, the requested variation of word limit is appropriate.

iv) Lack of Prejudice

9. Given that the Defence put the SPO on notice that it would require a variation of the word limit on 14 August 2021 and that the SPO acquiesced to the same, no prejudice will be caused. Should the SPO wish a similar proportional word limit variation in response, the Defence hereby gives its advance consent to such.

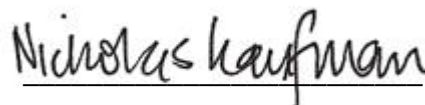
IV. CONCLUSION

10. In light of the aforementioned, the President is respectfully requested to order the variation of word limit sought in paragraph 2 above.

Word Count: 429



Ben Emmerson, CBE QC
Counsel for Kadri Veseli



Nicholas Kaufman
Co-Counsel for Kadri Veseli

² KSC-BC-2020-06/IA009-F00005.