

**In:** KSC-BC-2020-06  
The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi  
and Jakup Krasniqi

**Before:** President  
Judge Ekaterina Trendafilova

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Defence Counsel for Jakup Krasniqi  
Defence Counsel for Rexhep Selimi  
Defence Counsel for Hashim Thaçi

**Date:** 16 August 2021

**Language:** English

**Classification:** Public

---

**Krasniqi, Selimi and Thaçi Defence Request**  
**for Extension of Word Limit**

---

**Specialist Prosecutor**

Jack Smith

**Counsel for Victims**

Simon Laws QC

**Counsel for Hashim Thaçi**

Gregory Kehoe

**Counsel for Kadri Veseli**

Ben Emmerson QC

**Counsel for Rexhep Selimi**

David Young

**Counsels for Jakup Krasniqi**

Venkateswari Alagendra, Aidan Ellis

## I. INTRODUCTION

1. The Defence for Jakup Krasniqi, Rexhep Selimi and Hashim Thaçi (“Defence”) hereby request an extension of the word limit for their appeal against the Decision on Motions Challenging the Jurisdiction of the Specialist Chambers.<sup>1</sup> In the light of the number, complexity and novelty of the issues, the Defence seek to extend the word limit to 13,000 words (an extension of 4,000 words).

## II. PROCEDURAL HISTORY

2. On 22 July 2021, the Pre-Trial Judge rejected the preliminary motion filed by the Defence challenging the jurisdiction of the Specialist Chambers.<sup>2</sup>

3. On 23 July 2021, the Defence for Rexhep Selimi, Hashim Thaçi and Jakup Krasniqi requested an extension of time to submit their respective appeals against the Impugned Decision.<sup>3</sup>

4. On 26 July 2021, the Defence for Kadri Veseli requested an extension of time to submit an appeal against the Impugned Decision within 10 days of the notification of the outstanding decision on constitutional challenges and no earlier than 27 August 2021.<sup>4</sup>

---

<sup>1</sup> KSC-BC-2020-06, F00412, Pre-Trial Judge, *Decision on Motions Challenging the Jurisdiction of the Specialist Chambers* (“Impugned Decision”), 22 July 2021, public.

<sup>2</sup> *Ibid.*, para. 214.

<sup>3</sup> KSC-BC-2020-06, IA009/F00001, Selimi Defence, Krasniqi Defence, Thaçi Defence, *Selimi, Krasniqi and Thaçi Defence Request for an Extension of Time to Submit their Appeals against the Pre-Trial Judge’s Decision on Preliminary Motions*, 23 July 2021, public.

<sup>4</sup> KSC-BC-2020-06, IA009/F00002, Veseli Defence, *Veseli Defence Request for Variation of Time Limit to Appeal Decision KSC-BC-2020-06/F00412 (Decision on Motions Challenging the Jurisdiction of the Specialist Chambers)*, 26 July 2021, public, para. 9.

5. On 26 July 2021, the Specialist Prosecutor’s Office (“SPO”) also sought an extension of time to appeal the Impugned Decision and did not oppose the extensions sought by the Defence.<sup>5</sup>

6. On 27 July 2021, the President of the Specialist Chambers assigned a Court of Appeals Panel to determine the above requests for extensions of time.<sup>6</sup>

7. On 28 July 2021, the Appeals Chamber granted an extension of time to file the above appeals until 27 August 2021,<sup>7</sup> recognising that the “significance and complexity of the issues raised in the Impugned Decision, and their novelty before the Court of Appeals Panel”.<sup>8</sup>

### III. SUBMISSIONS

8. Pursuant to Article 46(3) of the Registry’s Practice Direction on Files and Filings before the Kosovo Specialist Chambers (“Practice Direction”), the word limit for an appeal against a preliminary motion regarding jurisdiction is 9,000 words.

9. Article 36(1) of the Practice Direction provides that in exceptional circumstances a participant may seek authorisation from the Panel sufficiently in advance to exceed the word limit. Such requests must “provide an explanation of the good cause that necessitates exceeding the word limit”.

---

<sup>5</sup> KSC-BC-2020-06, IA009/F00003, Specialist Prosecutor, *Prosecution Request for Extension of Time Limits*, 26 July 2021, public, para. 1.

<sup>6</sup> KSC-BC-2020-06, IA009/F00004, President, *Decision Assigning a Court of Appeals Panel to Consider Requests Regarding Time Limits*, 27 July 2021, public, paras 11-12.

<sup>7</sup> KSC-BC-2020-06, IA009/F00005, Court of Appeals Chamber, *Decision on Requests for Variation of Time Limits*, 28 July 2021, public, para. 5.

<sup>8</sup> *Ibid.*

10. Good cause exists for an extension of the word limit for this appeal. The significance and complexity of the issues addressed by the Impugned Decision and the fact that they have not previously been addressed by the Appeals Chamber are both factors which support a proportionate extension of the word limit as well as the extension already granted to the time limit.

11. The Defence highlight in particular that the findings in the Impugned Decision regarding joint criminal enterprise are dependent on the interpretation of the post-world war two jurisprudence.<sup>9</sup> Addressing the resulting issues will require the Defence to present submissions on the post-world war two jurisprudence and the jurisprudence of other international tribunals relevant to those cases, in the light *inter alia* of the Constitution of the Republic of Kosovo and international human rights law. The amount of jurisprudence that needs to be analysed and the number of issues arising support the need for an extension of the word limit.

12. Indeed, the Defence note that extensions of the word limits have previously been granted in relation to all filings concerning the preliminary motions on jurisdiction.<sup>10</sup> For instance, on 7 May 2021, the Pre-Trial Judge granted requests for extensions of the reply word limit, taking into consideration the length of the SPO Responses and the number of issues raised therein.<sup>11</sup> Whilst these decisions do not, of course, bind the Appeals Chamber, the Defence submit that the same reasons which justified extensions of the word limit in relation to preliminary motions on jurisdiction also

---

<sup>9</sup> See, for example, Impugned Decision, paras 180-190.

<sup>10</sup> KSC-BC-2020-06, F00190/CONF/RED, Pre-Trial Judge, *Confidential Redacted Version of Decision on Specialist Prosecutor's Second Request for Protective Measures and Renewed Request for Protective Measures and Procedural Matters*, 5 February 2021, confidential, paras 141-142, 144(m); F00250, Pre-Trial Judge, *Decision on Prosecution Request for Extension of the Word Limit*, 16 April 2021, public, paras 6-7; F00285, Pre-Trial Judge, *Decision on Defence Requests for Extension of the Reply Word Limit* ("Decision on Reply Word Limit"), 7 May 2021, public, paras 7-8.

<sup>11</sup> Decision on Reply Word Limit, para. 7.

justify extending the word limit in relation to the appeal on those issues. In addition, the SPO has confirmed *inter partes* that it does not oppose the Defence's request.

13. Accordingly, the Defence respectfully seek an extension of the word limit for the appeal to 13,000 words.

**Word count:** 890

Respectfully submitted on 16 August 2021,



---

**Venkateswari Alagendra**

Lead Counsel for Jakup Krasniqi



---

**Aidan Ellis**

Co-Counsel for Jakup Krasniqi



---

**David Young**

Lead Counsel for Rexhep Selimi



---

**Geoffrey Roberts**

Co-Counsel for Rexhep Selimi



---

**Gregory W. Kehoe**

Lead Counsel for Hashim Thaçi