



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-BC-2020-06/IA009

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 17 August 2021

Language: English

Classification: Public

**Decision Assigning a Court of Appeals Panel to
Consider Requests Regarding Word Limit**

Judges of the Court of Appeals Panel:

Judge Michèle Picard

Judge Emilio Gatti

Judge Nina Jørgensen

Counsel for Hashim Thaçi:

Gregory Kehoe

Counsel for Kadri Veseli:

Ben Emmerson

Specialist Prosecutor's Office:

Jack Smith

Counsel for Rexhep Selimi:

David Young

Victims' Counsel Victims:

Simon Laws

Counsel for Jakup Krasniqi:

Venkateswari Alagendra

THE PRESIDENT of the Specialist Chambers (“President”), acting pursuant to Articles 33(1)-(3) and 45(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rules 13(1)(c), 97(3), 169 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”) and Rules 3 and 4 of the Rules on the Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Court of Appeals Panel to decide on the Veseli Defence Request for Word Limit Variation (“First Request”)¹ and the Krasniqi, Selimi and Thaçi Defence Request for Extension of Word Limit (“Second Request”)² to appeal the Pre-Trial Judge’s Decision on Motions Challenging the Jurisdiction of the Specialist Chambers (“Decision on Jurisdiction”).³

I. PROCEDURAL BACKGROUND

1. On 22 July 2021, the Pre-Trial Judge rendered the Decision on Jurisdiction wherein he granted certain aspects of the challenges raised, in part, and rejected the remainder of the challenges raised by the accused in this case.⁴
2. On 27 July 2021 the President assigned a Court of Appeals Panel to decide requests regarding time limits in relation to appeals against the Decision on Jurisdiction.⁵
3. On 16 August 2021 Mr Veseli filed the First Request⁶ and Messrs Krasniqi, Selimi and Thaçi filed the Second Request on the same day.⁷

¹ IA009/F00006, Veseli Defence Request for Word Limit Variation, 16 August 2021.

² IA009/F00007, Krasniqi, Selimi and Thaçi Defence Request for Extension of Word Limit, 16 August 2021.

³ F00412, Decision on Motions Challenging the Jurisdiction of the Specialist Chambers, 22 July 2021.

⁴ See Decision on Jurisdiction, para. 214.

⁵ KSC-BC-2020-06/IA009/F00004, Decision Assigning a Court of Appeals Panel to Consider Requests Regarding Time Limits, 27 July 2021.

⁶ IA009/F00006, Veseli Defence Request for Word Limit Variation, 16 August 2021.

⁷ IA009/F00007, Krasniqi, Selimi and Thaçi Defence Request for Extension of Word Limit, 16 August 2021

II. DISCUSSION

4. The Requests concern the variation of the word limit of the appeal in relation to the Decision on Jurisdiction, wherein the Defence of Messrs Veseli, Krasniqi, Selimi and Thaçi request, pursuant to Article 36(1) of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers ("Practice Direction"), an extension of the word limit for the appeal to 13,000 words.⁸

5. The Veseli Defence requests that the President herself orders the relief sought.⁹ However and as noted in a previous decision, the core administrative function of the President, pursuant to Article 33(1)-(3) of the Law and Rule 13(1)(c) of the Rules, is to assign judges to judicial panels in order to address parties' submissions and issue the necessary rulings or decisions.¹⁰ Further and as Article 36(1) of the Practice Direction stipulates, the competence for such a ruling on a request for extension of the word limit in this particular case should lie with an assigned Panel.¹¹

6. Rule 169 of the Rules states that "[p]ursuant to Article 33(1)(c) of the Law, the President shall assign a Court of Appeals Panel as soon as an interlocutory appeal is filed as of right [...], or as otherwise necessary" (emphasis added).¹²

7. Given the importance to rule on the Request *sub judice* prior to the expiry of the deadline applicable to the appeal, which has not yet been filed, the President deems it necessary to assign a Court of Appeals Panel in accordance with Rule 169, last proposition of the Rules.

⁸ First Request, para. 9; Second Request, para. 13

⁹ First Request, para. 9.

¹⁰ KSC-BC-2020-06/IA009/F00004, Decision Assigning a Court of Appeals Panel to Consider Requests Regarding Time Limits, 27 July 2021, para. 8 et seq.

¹¹ KSC-BC-2020-06/IA009/F00004, Decision Assigning a Court of Appeals Panel to Consider Requests Regarding Time Limits, 27 July 2021, para. 9.

¹² See also KSC-BC-2020-06/IA009/F00004, Decision Assigning a Court of Appeals Panel to Consider Requests Regarding Time Limits, 27 July 2021, at para. 10.

III. ASSIGNMENT

8. Having considered the criteria set forth in Rule 4 of the Rules on Assignment, including relevant experience and expertise as well as availability at this time,

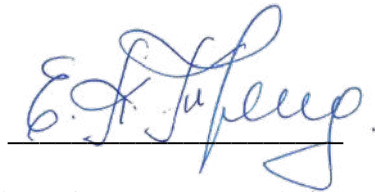
THE PRESIDENT HEREBY ASSIGNS:

Judge Michèle Picard

Judge Emilio Gatti

Judge Nina Jørgensen

to the Court of Appeals Panel to decide on the First and Second Request.

A handwritten signature in blue ink, appearing to read 'E. Trendafilova', is written over a horizontal line.

**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Tuesday, 17 August 2021
At The Hague,
The Netherlands