

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

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 1 December 2021

Language: English

Classification: Public

Thaçi Defence Request for Variation of the Word Limit

Specialist Prosecutor

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Venkateswari Alagenda

I. INTRODUCTION

1. Pursuant to Article 36(1) of the Practice Direction,¹ the defence for Mr Hashim Thaçi (“the defence”) requests an extension of the word limit to authorise the filing of a reply of 6,000 words to the ‘Prosecution response to Thaçi Defence Submissions on Second Detention Review’ (“Prosecution Response”).²

2. The defence submits that the exceptional circumstances justifying such an extension are constituted by the importance of the subject matter of the reply, namely the liberty of the accused, the novelty of the prosecution arguments related, *inter alia*, to the Kosovo police security assessment of Mr Thaçi’s residence (“KP Security Assessment”),³ Mr Thaçi and/or the KLA’s alleged relationship with the Kosovo police (“KP”), and the volume of public material referred to by the Prosecution in its Response, which are required to be addressed.

II. BACKGROUND

3. On 8 October 2021, the Pre-Trial Judge (“PTJ”) issued an Order to the Kosovo Police to Provide Information, relating to their ability to enforce conditions of release.⁴

4. On 26 October 2021, the KP provided their submissions containing detailed answers to each of the questions raised by the PTJ (“KP First Report”).⁵

¹ Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019 (“Practice Direction”).

² KSC-BC-2020-06/F00583, dated 29 November 2021, notified on 30 November 2021.

³ KSC-BC-2020-06/F00569, Transmission of Information from Kosovo Police with one confidential Annex, 15 November 2021.

⁴ KSC-BC-2020-06/F00513, Order to the Kosovo Police to Provide Information with confidential Annex, 8 October 2021.

⁵ KSC-BC-2020-06/F00548/eng, Answer to the Request number KSC-BC-2020-06, dated 13 October 2021, 26 October 2021.

5. On 12 November 2021, following a request from the defence, the KP issued a detailed report on the feasibility of implementing, supervising and enforcing conditions discussed in the KP First Report, in general, and house arrest, specifically, at the residence of Mr Thaçi in Kosovo.⁶

6. On 16 November 2021, the defence filed its Submissions on Second Detention Review.⁷

7. On 29 November, the SPO filed its Response to those submissions, requiring the continued detention of Mr Thaçi.

III. SUBMISSIONS

8. Pursuant to Article 41 of the Practice Direction, any reply shall not exceed 2,000 words.

9. Pursuant to Article 36 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.⁸

10. The Prosecution Response raises several novel issues in an effort to support its request for the continued detention of Mr Thaçi. The SPO alleges, *inter alia*, that the KP Security Assessment is insufficiently detailed,⁹ that Kosovo's criminal justice system is corrupt¹⁰ and that Mr Thaçi and the KLA would have important connections

⁶ KP Security Assessment.

⁷ KSC-BC-2020-06/F00570, Thaçi Defence Submissions on Second Detention Review, 16 November 2021.

⁸ KSC-BC-2020-06/F00119, Decision on Thaçi Defence Request for Extension of the Word Limit, 4 December 2020, para. 3.

⁹ Prosecution Response, paras. 18-32, 40.

¹⁰ *Ibid.*, para. 34.

with the KP,¹¹ which prevent Mr Thaçi's release under house arrest in Kosovo. The SPO further refers to numerous documents in support of its allegations, contained in an annex of 40 pages to its response¹² to the KP First Report, or quoted in various footnotes.

11. In these circumstances, and given the importance of the subject matter of the reply, namely the liberty of the accused, the defence needs to present a properly reasoned reply that addresses the new issues, both legally and factually. The defence cannot in fairness do that within the confines of a two thousand word limit.

12. The defence submits that good cause exists, constituting exceptional circumstances, to justify an increase of the word limit. Given the importance of the matter at stake, the defence requests an extension of 4,000 words, being 6,000 in total.

IV. CONCLUSION

13. For the forgoing reasons, the defence requests the Pre-Trial Judge to:

AUTHORISE the above requested extension of the word limit in respect of the reply to be filed by the Defence.

¹¹ *Ibid.*, paras. 35-38.

¹² KSC-BC-2020-06/F00562/A01, Annex 1 to Prosecution response to Kosovo Police submissions on detention, 8 November 2021.

Word count: 671 words

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "G. W. Kehoe", is written over a white rectangular redaction box.

Gregory W. Kehoe

Counsel for Hashim Thaçi

Wednesday, 1 December 2021

At Tampa, United States