



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

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

Date: 1 December 2021

Language: English

Classification: Public

Decision on Thaçi Defence Request for Variation of Word Limit

Specialist Prosecutor
Jack Smith

Counsel for Victims
Simon Laws

Counsel for Hashim Thaçi
Gregory Kehoe

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
David Young

Counsel for Jakup Krasniqi
Venkateswari Alagenda

THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Articles 36(1) and (2) and 41 of the Practice Direction on Files and Filings ("Practice Direction"),² hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 16 November 2021, the Defence for Mr Hashim Thaçi ("Defence" and "Mr Thaçi") filed its submissions on the periodic review of Mr Thaçi's detention ("Request").³
2. On 29 November 2021, the SPO responded to the Request ("Response").⁴
3. On 1 December 2021, the Defence filed a request pursuant to Article 36(1) of the Practice Direction to extend the word limit for its upcoming reply to 6,000 words ("Word Limit Request").⁵ According to the Defence, there are exceptional circumstances justifying the requested variation, constituted by the importance of the subject matter of the reply, namely the liberty of the accused, the novelty of the SPO's arguments and the volume of public material referred to by the SPO in the Response.⁶ Accordingly, it submits that good cause exists, constituting exceptional circumstances, to justify such an increase of the word limit.⁷

¹ KSC-BC-2020-06, F00001, President, *Decision Assigning a Pre-Trial Judge*, 23 April 2020, public.

² KSC-BD-15, Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers, 17 May 2019, public.

³ KSC-BC-2020-06, F00570, Defence for Mr Thaçi, *Thaçi Defence Submissions on Second Detention Review*, 16 November 2021, confidential. A public redacted version was filed on 30 November 2021, F00570/RED.

⁴ KSC-BC-2020-06, F00583, Specialist Prosecutor, *Prosecution Response to Thaçi Defence Submissions on Second Detention Review*, 29 November 2021 (notified on 30 November 2021), confidential.

⁵ KSC-BC-2020-06, F00584, Defence for Mr Thaçi, *Thaçi Defence Request for Variation of the Word Limit*, 1 December 2021, public, paras 1, 12.

⁶ Word Limit Request, paras 2, 10-11.

⁷ Word Limit Request, para. 12.

II. APPLICABLE LAW

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

5. Pursuant to Article 36(1) of the Practice Direction, a participant may seek, sufficiently in advance, an extension of the word limit upon showing that good cause exists constituting exceptional circumstances.

6. Pursuant to Article 36(2) of the Practice Direction, where no prejudice is caused to the opposing Party or Victims' Counsel, a motion for variation of the word limit may be disposed of without giving them the opportunity to be heard.

III. DISCUSSION

7. Having considered the reasons put forward by Mr Thaçi, in particular the novelty of the issues raised by the SPO and the volume of material to which the Defence seeks to reply, the Pre-Trial Judge finds that good cause warranting the requested variation of the word limit has been demonstrated. The Pre-Trial Judge is also of the view that the Word Limit Request has been filed sufficiently in advance, namely one day after the notification of the Response, and well in advance of the deadline for the Defence to file a reply to the Response, which is 6 December 2021.

8. Considering that replies are limited to address arguments contained in the Response, the Pre-Trial Judge finds that no prejudice has been caused to the SPO in issuing the present decision prior to receiving its response to the Word Limit Request.

9. Accordingly, the Pre-Trial Judge extends the word limit for the Defence's reply to the Response to up to 6,000 words.

IV. DISPOSITION

10. For the above-mentioned reasons, the Pre-Trial Judge hereby:

GRANTS the Word Limit Request and extends the word limit for the Defence's reply to the Response to up to 6,000 words.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Wednesday, 1 December 2021
At The Hague, the Netherlands