



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:** 9 December 2021

**Language:** English

**Classification:** Public

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**Decision on Specialist Prosecutor's Request for Variation of Word Limit**

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**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**,<sup>1</sup> 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 44 of the Practice Direction on Files and Filings ("Practice Direction"),<sup>2</sup> hereby renders this decision.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 29 October 2021, the Pre-Trial Judge ordered the Specialist Prosecutor's Office ("SPO") to provide its pre-trial brief by 17 December 2021.<sup>3</sup>

2. On 9 December 2021, the SPO requested that the Pre-Trial Judge authorise a limit of 150,000 words for the SPO's pre-trial brief ("Request").<sup>4</sup> The SPO submits that good cause exists for the requested extension given that: (i) the charges against the Accused are complex and extend over a substantial period of time and concern hundreds of victims and (ii) the SPO seeks to reference the significant number of witnesses and exhibits which have been disclosed pursuant to Rule 102(1) of the Rules.<sup>5</sup> The SPO further submits that an extension of the word limit would enable the SPO to more fully present a summary of its case and therefore would advance, not prejudice, these proceedings.<sup>6</sup>

## II. APPLICABLE LAW

3. Pursuant to Article 44 of the Practice Direction, in multi-accused trials, a consolidated pre-trial brief shall not exceed 10,000 words for the contextual background and 10,000 words for each accused.

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

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

<sup>3</sup> KSC-BC-2020-06, Transcript of Hearing, 29 October 2021, public, p. 752, lines 23-25 to p. 753, lines 1-2.

<sup>4</sup> KSC-BC-2020-06, F00598, Specialist Prosecutor, *Prosecution Request for Extension of Word Limit*, 9 December 2021, public.

<sup>5</sup> Request, para. 2.

<sup>6</sup> Request, para. 3.

4. 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.

5. 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

6. Having considered the reasons put forward by the SPO, in particular the complexity of the charges against the Accused and the significant amount of Rule 102(1) material to be referenced, the Pre-Trial Judge finds that good cause warranting the requested extension of the word limit has been demonstrated. The Pre-Trial Judge is also of the view that the Request has been filed sufficiently in advance, namely one week in advance of the deadline for the SPO's pre-trial brief.

7. Considering that the extension of the word limit will enable the SPO to more fully present a summary of its case, the Pre-Trial Judge finds that no prejudice will be incurred by the opposing Party or Victims' Counsel either in the granting of the extension or the rendering of this decision before responses are filed.

8. Accordingly, the Pre-Trial Judge extends the word limit for the SPO's pre-trial brief to up to 150,000 words.

IV. DISPOSITION

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

**GRANTS** the Request and extends the word limit for the SPO's pre-trial brief to up to 150,000 words.



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**Judge Nicolas Guillou**  
**Pre-Trial Judge**

Dated this Thursday, 9 December 2021  
At The Hague, the Netherlands