



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: **KSC-BC-2020-05**

The Prosecutor v. Salih Mustafa

Before: **Trial Panel I**

Judge Mappie Veldt-Foglia, Presiding Judge

Judge Roland Dekkers

Judge Gilbert Bitti

Judge Vladimir Mikula, Reserve Judge

Registrar: Fidelma Donlon

Date: 8 July 2022

Language: English

Classification: **Public**

Decision on Prosecution request for extension of word limit

To be notified to:

Specialist Prosecutor

Jack Smith

Counsel for the Accused

Julius von Bóné

Victims' Counsel

Anni Pues

TRIAL PANEL I (Panel) hereby renders this decision on the Specialist Prosecutor's Office (SPO) request for extension of word limit.

I. PROCEDURAL BACKGROUND

1. On 20 June 2022, the Panel issued the "Decision on the closing of the evidentiary proceedings and related matters", in which the Panel, *inter alia*, ordered the SPO and the Defence for Salih Mustafa (Accused) to submit their respective Final Trial Briefs by Thursday, 21 July 2022.¹

2. On 7 July 2022, the SPO submitted the "Prosecution request for extension of word limit" (Request), in which the SPO requests the Panel to grant a 15.000 words extension of the word limit for its Final Trial Brief.²

II. APPLICABLE LAW

3. The Panel notes Rule 134(b) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers and Articles 36(1)-(2) and 45(1) of the Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers (Practice Direction).³

III. ANALYSIS

4. The Panel observes that, according to Article 36(1) of the Practice Direction, participants to proceedings may seek, sufficiently in advance, an extension of the word limits prescribed in the Practice Direction upon showing that good cause

¹ KSC-BC-2020-05, F00439, Trial Panel I, *Decision on the closing of the evidentiary proceedings and related matters*, 20 June 2022, public, para. 25(c).

² KSC-BC-2020-05, F00449, SPO, *Prosecution request for extension word limit*, 7 July 2022, public, para. 4.

³ KSC-BD-15, Registrar, *Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers*, 17 May 2019, public.

exists constituting exceptional circumstances. The SPO seeks an extension of 15,000 words for its Final Trial Brief in order to: (i) address the Accused's responsibility under the different modes of liability contained in the Indictment; (ii) respond to the Defence's assertion of an alibi defence; and (iii) include comprehensive sentencing submissions.⁴

5. The Panel is of the view that the Request was filed sufficiently in advance, namely two weeks prior to the deadline for the Final Trial Briefs. The Panel also considers that an extension of the word limit would enable the SPO to file a focused and complete brief that engages with all factual and legal issues arising from this case. The Panel therefore finds that good cause warranting the requested extension of the word limit has been demonstrated.

6. The Panel also considers that it is in the interests of justice and the fairness of proceedings to grant an equivalent extension to the Defence, in order to afford an opportunity to equally address any factual and legal matters it deems appropriate. Therefore, the Panel grants, *proprio motu*, an extension of 15,000 words to the word limit of the Defence Final Trial Brief.

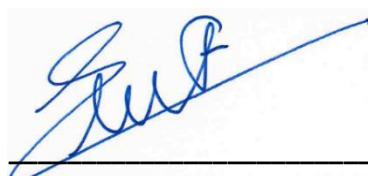
7. The Panel finally recalls that, pursuant to Article 36(2) of the Practice Direction, motions for the extension of word limits may be disposed of without giving the opposing Party or Victims' Counsel the opportunity to be heard. Given that no prejudice will be caused to the Defence, which obtained the same word extension, the Panel considers that it is appropriate to dispose of the Request immediately.

⁴ Request, paras 2-3.

IV. DISPOSITION

8. For the above-mentioned reasons, the Panel hereby:

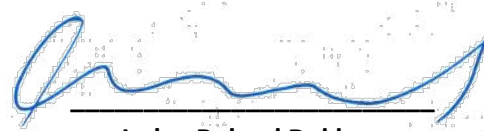
- a. **GRANTS** the Request; and
- b. **DECIDES TO GRANT** *proprio motu* an extension of 15.000 words to the word limit of the Defence Final Trial Brief.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Friday, 8 July 2022

At The Hague, the Netherlands.