



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: 11 August 2022

Language: English

Classification: Public

Decision on Defence Joint Request for Word Limit Variation

Specialist Prosecutor
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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 Before the Kosovo Specialist Chambers ("Practice Direction"),² hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 12 July 2022, the Defence for Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi (collectively referred to as "Defence") filed a joint request for disclosure ("Defence Joint Rule 103 Request") pursuant to Rule 103 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules").³

2. On 3 August 2022, having benefitted from an extension of time,⁴ the Specialist Prosecutor's Office ("SPO") filed a response to the Defence Joint Rule 103 Request ("SPO Response").⁵

3. On 10 August 2022, the Defence requested that the Pre-Trial Judge authorise a limit of 2,500 words for the Defence to file a joint reply to the SPO Response ("Request").⁶ The Defence submits that the same considerations which led the Pre-Trial Judge to grant an extension of word limit at an earlier occasion should apply

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, F00877, Defence, *Joint Defence Motion for Disclosure Pursuant to Rule 103*, 12 July 2022, confidential, with Annexes 1-3, public, and Annex 4, confidential. A corrected confidential version was submitted on 21 July 2022, F00877/COR, with Annex 1, confidential. A public redacted version was submitted on 13 July 2022, F00877/RED.

⁴ KSC-BC-2020-06, F00889, Pre-Trial Judge, *Decision on Prosecution Request for Extension of Time for Response to 'Joint Defence Motion for Disclosure Pursuant to Rule 103' (F00877)*, 19 July 2022, public.

⁵ KSC-BC-2020-06, F00910, Specialist Prosecutor, *Prosecution Response to 'Joint Defence Motion for Disclosure Pursuant to Rule 103' (F00877)*, 3 August 2022, confidential.

⁶ KSC-BC-2020-06, F00922, Defence, *Defence Request for Word Limit Variation to file Joint Reply to SPO Filing F00910*, 10 August 2022, public.

in this case as well.⁷ The Defence also submits that the Request is timely.⁸ Lastly, it submits that granting the Request would not cause prejudice to the SPO; rather, the SPO will benefit from receiving a joint reply instead of four separate replies.⁹

II. APPLICABLE LAW

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

5. Pursuant to Article 36(1) 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.

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. The Pre-Trial Judge finds that the Request has been submitted sufficiently in advance of the deadline for the Defence to submit their replies, as required by Article 36(1) of the Practice Direction.

8. The Pre-Trial Judge takes note of the Defence arguments pertaining to (i) the importance of disclosure obligations under Rules 103 of the Rules and the particular issue at hand; and (ii) the numerous arguments put forward in the Defence Joint Rule 103 Request. Moreover, considering that the requested variation is rather limited and will enable the filing of a joint reply, the Pre-Trial

⁷ Request, para. 3, making reference to KSC-BC-2020-06, F00834, Pre-Trial Judge, *Decision on Defence Request for Word Limit Variation*, 10 June 2022, public.

⁸ Request, para. 4, and footnote 3.

⁹ Request, para. 4, and footnote 4.

Judge finds that no prejudice will be incurred by the SPO in the granting of the extension.

9. Therefore, the Pre-Trial Judge finds that good cause warranting the requested extension of the word limit has been demonstrated. Accordingly, the Pre-Trial Judge extends the word limit for the joint Defence reply to up to 500 words.

IV. DISPOSITION

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

GRANTS the Request.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Thursday, 11 August 2022
At The Hague, the Netherlands.