

In: KSC-BC-2020-06

Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: **Pre-Trial Judge**
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Counsel for Kadri Veseli
Counsel for Hashim Thaçi
Counsel for Jakup Krasniqi

Date: 10 October 2022

Language: English

Classification: Public

Joint Defence Request for Word Limit Variation

Specialist Prosecutor's Office

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

I. INTRODUCTION

1. Pursuant to Rule 95(5) of the Rules of Procedures and Evidence, Article 36(1) and 44 of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers, the Defence for Messrs Kadri Veseli, Hashim Thaçi and Jakup Krasniqi (together, "Defence") requests a variation of the word limit for submitting its pre-trial brief, following the Pre-Trial Judge's order at the 12th Status conference.¹
2. More specifically, the Defence requests that it be entitled to submit a pre-trial brief which shall not exceed 25,000 words, *i.e.* an extension of 5,000 words.

II. SUBMISSIONS

A. Good Cause

3. At the 12th Status conference, the Pre-Trial Judge requested the Defence teams to file their respective pre-trial brief, if any, by 21 October 2022.² Good cause exists to warrant a variation of the word limit, considering (i) the length of the SPO's pre-trial brief;³ (ii) the numerous allegations which the Defence must acknowledge and respond to;⁴ and (iii) the substantive legal elements which must be considered.⁵

¹ Transcript, 20 May 2022, p. 1324.

² Transcript, 20 May 2022, p. 1324.

³ F00709/A02, ANNEX 2 to Prosecution submission of corrected Pre-Trial Brief and related request, 24 February 2022. With a total of 78,696 words, excluding redactions, a witness list of now 319 witnesses and an exhibit list, with amendments.

⁴ As mentioned in F00598, Prosecution request for extension of word limit, 9 December 2022, para. 2, the pre-trial brief covers a period from March 1998 – September 1999, with more than 40 locations throughout Kosovo and Albania.

⁵ The SPO pre-trial brief encompasses several important legal topics, such as JCE I and JCE III, adding and abetting, superior responsibility, under 4 counts of war crimes and 6 counts of crimes against humanity. *See* F00709 and F00999/A02, ANNEX 2 to Submission of confirmed amended Indictment, 30 September 2022.

B. Timing of the Request

4. The Defence is requesting a limited extension of the word limit, 11 days prior to the deadline. Considering that the SPO filed a more significant request, within a similar timeframe, the Defence considers this request to be timely.⁶

C. Lack of Prejudice

5. No prejudice is envisioned from granting the request, as the SPO was granted an additional 100,000 words and the Defence is requesting 5000 words.⁷

III. CONCLUSION

6. In light of the aforementioned, the Defence respectfully requests the Pre-Trial Judge to order the word limit variation sought in paragraph 2.

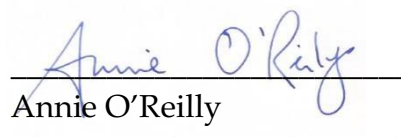
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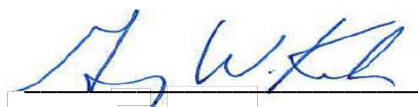
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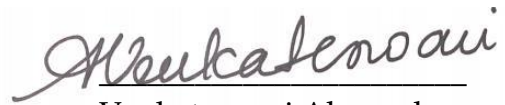
Annie O'Reilly
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Gregory W. Kehoe
Counsel for Hashim Thaçi

⁶ F00598.

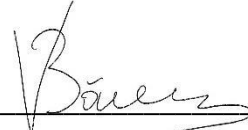
⁷ F00600.



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