



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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: 12 October 2022

Language: English

Classification: Public

Decision on Defence Request for Word Limit Variation

Specialist Prosecutor
Jack Smith

Counsel for Victims
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Counsel for Hashim Thaçi
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Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
David Young

Counsel for Jakup Krasniqi
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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 44 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 20 May 2022, during the twelfth status conference, the Pre-Trial Judge ordered the Defence teams to file their pre-trial briefs by 21 October 2022.³

2. On 10 October 2022, the Defence for Messrs Kadri Veseli, Hashim Thaçi, and Jakup Krasniqi ("Defence") requested that the Pre-Trial Judge authorise an extension of the 20,000 word limit for each of the Defence's respective pre-trial briefs to 25,000 words ("Request").⁴ The Defence submits that good cause exists for the requested extension of 5,000 words due to (i) the length of the SPO's pre-trial brief; (ii) the numerous allegations to which the Defence must respond; and (iii) the substantive legal elements that must be considered.⁵ It also avers that the Request is made timely and that no prejudice is envisioned.⁶

3. On 11 October 2022, the Specialist Prosecutor's Office ("SPO") indicated that it does not oppose the Request.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, Transcript of Hearing, 20 May 2022, p. 1324, lines 1-6.

⁴ KSC-BC-2020-06, F01024, Specialist Counsel, *Joint Defence Request for Word Limit Variation*, 10 October 2022, public, para. 2.

⁵ Request, para. 3.

⁶ Request, paras 4-5.

⁷ KSC-BC-2020-06, F01025, Specialist Prosecutor, *Prosecution Response to Joint Defence Request for Word Limit Variation*, 11 October 2022, public, para. 1.

II. APPLICABLE LAW

4. Pursuant to Article 44 of the Practice Direction, a pre-trial brief filed pursuant to Rule 95(5) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers shall not exceed 20,000 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.

III. DISCUSSION

6. The Pre-Trial Judge finds that the Request has been submitted sufficiently in advance of the deadline to submit the Defence pre-trial briefs.

7. As regards the showing of good cause, the Pre-Trial Judge notes the reasons put forward by the Defence, in particular the numerous allegations to which the Defence must respond and the fact that an extension of the word limit was granted to the SPO for its pre-trial brief,⁸ and that the SPO does not oppose the Request.

8. In addition, considering that the extension of the word limit will enable the filing of a clearer and more complete pre-trial brief, the Pre-Trial Judge finds that no prejudice will be incurred by the opposing Party or Victims' Counsel in the granting of the extension.

9. Accordingly, the Pre-Trial Judge finds that good cause warranting the requested extension of the word limit has been demonstrated and extends the word limit for each of the respective Defence pre-trial briefs to 25,000 words. Moreover, the Pre-Trial Judge considers it appropriate to give the same extension

⁸ KSC-BC-2020-06, F00600, Pre-Trial Judge, *Decision on Specialist Prosecutor's Request for Variation of Word Limit*, 10 October 2022, public, para. 2.

– an additional 5,000 words – to the Defence for Rexhep Selimi for its pre-trial brief.

IV. DISPOSITION

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

- (a) **GRANTS** the Request and extends the word limit for each of the Defence's respective pre-trial briefs to 25,000 words; and
- (b) **DECIDES** that the Defence for Rexhep Selimi may benefit from the same extension of 5,000 words for its pre-trial brief.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Wednesday, 12 October 2022
At The Hague, the Netherlands.