



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 Veseli Defence 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"), Rule 82(5) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), 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 5 October 2022, the Specialist Prosecutor's Office ("SPO") filed three requests for protective measures relating to material falling under Rule 102(3) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("SPO's Three Requests for Protective Measures").³

2. On 11 October 2022, the Defence for Kadri Veseli ("Defence") submitted a request to the Pre-Trial Judge to authorise a variation of the word limit for the Defence's response to the SPO's Three Requests for Protective Measures ("Request").⁴ In the Defence's Request, it refers to the fact that there are more than 70 annexes to the SPO's Three Requests for Protective Measures. The Defence indicates that it will file a consolidated response, and that it requires an extension of 3,000 words to be able to meaningfully do so. The Defence further submits that

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, F00995, Specialist Prosecutor, *Prosecution Request for Protective Measures for Certain Information Requested by the Defence Pursuant to Rule 102(3)*, 29 September 2022, strictly confidential and *ex parte*, with 30 strictly confidential and *ex parte* Annexes. A confidential redacted version was filed on 5 October 2022, F00995/CONF/RED; F00996, Specialist Prosecutor, *Prosecution Request for Protective Measures for Certain Information Requested by the Defence Pursuant to Rule 102(3)*, 29 September 2022, strictly confidential and *ex parte*, with 24 strictly confidential and *ex parte* Annexes. A confidential redacted version was filed on 5 October 2022, F00996/CONF/RED; F01003, Specialist Prosecutor, *Prosecution Request for Protective Measures for Certain Information Requested by the Defence Pursuant to Rule 102(3)*, strictly confidential and *ex parte*, with 24 strictly confidential and *ex parte* Annexes. A confidential redacted version was filed on 5 October 2022, F01003/CONF/RED.

⁴ KSC-BC-2020-06, F01026, Specialist Counsel, *Veseli Defence Request for Word Limit Variation*, 11 October 2022, public.

its Request is timely, and that no prejudice would result should the Request be granted.⁵

3. On 12 October 2022, the SPO submitted a response indicating that it does not oppose the Request (“SPO Response”). The SPO filed its response as “confidential”, as the Request relates to confidential material. However, the SPO does not object to the reclassification of its response as “public”.⁶

II. APPLICABLE LAW

4. Pursuant to Article 41 of the Practice Direction, any motion or response to a motion shall not exceed 6,000 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 notes that the deadline for the Defence’s response to the SPO’s Three Requests for Protective Measures falls on 17 October 2022, and finds that the Request has been submitted sufficiently in advance.

7. As regards the showing of good cause, the Pre-Trial Judge notes the reasons put forward by the Defence, in particular that the Defence intends to submit a consolidated response to three separate requests for protective measures with more than 70 accompanying annexes. The Pre-Trial Judge further notes that the SPO does not oppose the Request.

⁵ Request, paras 3-4.

⁶ KSC-BC-2020-06, F01027, Specialist Prosecutor, *Prosecution Response to Veseli Defence Request for Word Limit Variation*, 12 October 2022, confidential, paras 1-2.

8. In addition, considering that the extension of the word limit will enable the filing of a more complete response, 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 the Defence has demonstrated good cause for the requested extension of the word limit and extends the word limit for the Defence's response to the SPO's Three Requests for Protective Measures to 9,000 words. Moreover, the Pre-Trial Judge considers it appropriate to give the same extension – an additional 3,000 words – to the Defence for Hashim Thaçi, Rexhep Selimi, and Jakup Krasniqi, should those Parties intend to file consolidated responses to the SPO's Three Requests for Protective Measures.

10. Finally, as mentioned above, the SPO's response to the Request is currently classified as "confidential". The Pre-Trial Judge notes that the SPO does not object to its reclassification as "public" and, pursuant to Rule 82(5) of the Rules, instructs the Registrar to reclassify it accordingly.

IV. DISPOSITION

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

- (a) **GRANTS** the Request and extends the word limit for the Defence's consolidated response to the SPO's Three Requests for Protective Measures to 9,000 words;
- (b) **DECIDES** that the Defence for Hashim Thaçi, Rexhep Selimi, and Jakup Krasniqi may benefit from the same extension of 3,000 words for each of their respective responses to the SPO's Three Requests for Protective Measures; and
- (c) **ORDERS** the Registrar to reclassify the SPO's Response as "public".



Judge Nicolas Guillou
Pre-Trial Judge

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