

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

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 20 October 2022

Language: English

Classification: Public

Thaçi Defence Request for Variation of the Word Limit

Specialist Prosecutor

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Venkateswari Alagenda

I. INTRODUCTION

1. Pursuant to Article 36(1) of the Practice Direction,¹ the defence for Mr Hashim Thaçi (“Defence”) requests an extension of the word limit from 6,000 to 9,000 words for its forthcoming motion justifying its request for unique investigative opportunities; or in the alternative, depositions, for nine witnesses (“Motion”).

2. The Defence submits that the exceptional circumstances justifying such an extension are constituted by the importance of the subject matter of the Motion, namely, the justification for its application to preserve the evidence of nine key witness whose evidence may be unavailable at trial, and the level of detail required in the Rules² for such a request.

II. BACKGROUND

3. On 8 September 2022, at the Fourteenth Status Conference, the Pre-Trial Judge (“PTJ”) issued an oral order inviting the Defence to file a notice of any investigative opportunities pursuant to Rule 99 by 7 October 2022, and ordered that the requests justifying the need for such measures be filed by 28 October 2022.³

4. On 7 October 2022, the Defence filed a notice of its intention to invite the PTJ to grant a unique investigative opportunity pursuant to Rule 99 for nine witnesses; or, in the alternative for depositions to be taken pursuant to Rule 100.⁴

¹ Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019 (“Practice Direction”).

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 (“Rules”).

³ KSC-BC-2020-06, Transcript of Fourteenth Status Conference, Oral Order 1, 8 September 2022, Public, p. 1582 line 21 to p. 1583 line 6.

⁴ KSC-BC-2020-06/F01018, Thaçi Defence Notice of Unique Investigative Opportunities, 7 October 2022, paras. 16-17.

III. SUBMISSIONS

5. Pursuant to Article 41 of the Practice Direction, any motion shall not exceed 6,000 words.

6. Pursuant to Article 36 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.⁵

7. This Motion will contain, as ordered by the PTJ, justifications for the request by the Defence for unique investigative opportunities pursuant to Rule 99. To fulfil this requirement, the Defence intends to provide the following details for each of the nine witnesses:

- (i) The name and whereabouts of each witness;
- (ii) A statement of the matters on which they are to be examined;
- (iii) An explanation of the circumstances justifying the request; and
- (iv) Practical information, such as suggested dates and times, that the unique investigative opportunities could be fulfilled.

8. These are the same requirements as under Rule 100(2) for depositions, which has been pled in the alternative.

9. The Defence considers that 6,000 words will not be sufficient for it to provide this level of information for each of the nine witnesses. Accordingly, it requests an extension of 3,000 words, to 9,000 words in total, for its Motion.

⁵ KSC-BC-2020-06/F00119, Decision on Thaçi Defence Request for Extension of the Word Limit, 4 December 2020, para. 3.

10. Given the importance of providing sufficiently detailed information to the Court to justify its request for a unique investigative opportunity for these nine witnesses under Rule 99, and the level of detail required for its alternate request under Rule 100, the Defence submit that this is good cause to justify an increase of the word limit.

IV. CONCLUSION

11. For the forgoing reasons, the Defence requests the Pre-Trial Judge to:

AUTHORISE the above requested extension of the word limit in respect of the Motion to be filed by the Defence.

Word count: 583 words

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'G. W. Kehoe', is written over a white rectangular redaction box.

Gregory W. Kehoe

Counsel for Hashim Thaçi

Thursday, 20 October 2022

At Tampa, United States