



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: 21 October 2022

Language: English

Classification: Public

Decision on Thaçi Defence Request for Variation of Word Limit

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 and Articles 36(1) 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 8 September 2022, during the fourteenth status conference, the Pre-Trial Judge invited the Defence teams to file notices of any investigative opportunities pursuant to Rule 99 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules") by 7 October 2022, and ordered that the requests justifying the need for such measures be filed by 28 October 2022 ("Request for Unique Investigative Opportunity").³

2. On 7 October 2022, the Defence for Hashim Thaçi ("Thaçi Defence") filed a notice of its intention to request a unique investigative opportunity pursuant to Rule 99 of the Rules, or in the alternative, request depositions pursuant to Rule 100 of the Rules.⁴

3. On 20 October 2022, the Thaçi Defence requested that the Pre-Trial Judge authorise an extension of the 6,000 word limit for its Request for Unique Investigative Opportunity to 9,000 words ("Request").⁵ The Thaçi Defence submits that good cause exists for the requested extension of 3,000 words due to: (i) the importance of the subject matter, namely the need to justify its application to preserve the evidence of nine key witnesses, including detailed information

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, 8 September 2022, public, p. 1582, line 21 to p. 1583, line 6.

⁴ KSC-BC-2020-06, F01018, Specialist Counsel, *Thaçi Defence Notice of Unique Investigative Opportunities*, 7 October 2022, public, paras 5-6, 15.

⁵ KSC-BC-2020-06, F01045, Specialist Counsel, *Thaçi Defence Request for Variation of the Word Limit*, 20 October 2022, public, paras 1, 11.

about each witness and their proposed examination, that may be unavailable at trial; and (ii) the level of detail required by the Rules for such a request.⁶

4. The Specialist Prosecutor's Office did not respond to the Request.

II. APPLICABLE LAW

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

6. 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

7. The Pre-Trial Judge finds that the Request has been submitted sufficiently in advance of the deadline as the Request for Unique Investigative Opportunity is due on 28 October 2022.

8. As regards the showing of good cause, the Pre-Trial Judge notes the reasons put forward by the Thaçi Defence, in particular: (i) the level of detail which the Thaçi Defence must include in the Request for Unique Investigative Opportunity to justify its request; and (ii) that the request concerns nine different witnesses, all requiring individual justifications.

9. In addition, considering that the extension of the word limit will enable the filing of a clearer and more complete Request for Unique Investigative Opportunity, the Pre-Trial Judge finds that no prejudice will be incurred by the opposing Party or Victims' Counsel in the granting of the extension.

⁶ Request, paras 2, 7-10 *referring to* the requirements of Rules 99 and 100 of the Rules.

10. 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 the Thaçi Defence's Request for Unique Investigative Opportunity to 9,000 words. As the remaining Defence teams have indicated they do not intend to pursue unique investigative opportunities,⁷ a corresponding extension of the word limit to these Defence teams is not necessary.

IV. DISPOSITION

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

GRANTS the Request and extends the word limit for the Thaçi Defence's Request for Unique Investigative Opportunity to 9,000 words.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Friday, 21 October 2022
At The Hague, the Netherlands.

⁷ See KSC-BC-2020-06, Transcript of Hearing, 8 September 2022, public, p. 1557, lines 2 to 12; F01012, Specialist Counsel, *Veseli Defence Notice of Unique Investigative Opportunity*, 6 October 2022, public, para. 1.