



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:** Trial Panel II  
Judge Charles L. Smith III  
Judge Christoph Barthe  
Judge Guénaél Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Fidelma Donlon

**Date:** 6 February 2023

**Language:** English

**Classification:** Public

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**Decision on Prosecution Request for Extension of Words to File Consolidated  
Motion for Admission of Evidence of Witnesses Pursuant to Rule 154**

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Simon Laws

**Counsel for Hashim Thaçi**  
Gregory Kehoe

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
David Young

**Counsel for Jakup Krasniqi**  
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**TRIAL PANEL II** (“Panel”), pursuant to Article 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rule 154 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), and Article 36(1) of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers (“Practice Direction”),<sup>1</sup> hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 18 January 2023, the Panel ordered the Specialist Prosecutor’s Office (“SPO”) to file its motion pursuant to Rule 154 in respect of its first twelve witnesses (“Rule 154 Motion”) by Tuesday, 7 February 2023.<sup>2</sup>
2. On 3 February 2023, the SPO filed a request for extension of words for the filing of its Rule 154 Motion (“SPO Request”).<sup>3</sup>
3. On the same day, the Panel informed the Parties and participants that: (i) should they wish to respond to the Request, they should do so by Monday, 6 February 2023, at noon; and (ii) no reply will be entertained.<sup>4</sup>
4. On 6 February 2023, the Defence for Mr Jakup Krasniqi (“Krasniqi Defence”) responded (“Krasniqi Response”).<sup>5</sup> No other Party or participant responded.

## II. SUBMISSIONS

5. The SPO submits that it intends to file one motion containing submissions for all the relevant witnesses and requests a word extension of 6,000 words, to a total of 12,000 words for its Rule 154 Motion.<sup>6</sup> It avers that good cause exists for the

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<sup>1</sup> KSC-BD-15, *Practice Direction on Files and Filings before the Kosovo Specialist Chambers*, 17 May 2019.

<sup>2</sup> Transcript of Hearing, 18 January 2023, p. 1902, lines 6-19.

<sup>3</sup> F01251, Specialist Prosecutor, *Prosecution Request for Extension of Words to File Consolidated Motion for Admission of Evidence of Witnesses Pursuant to Rule 154*, 3 February 2023.

<sup>4</sup> Correspondence 169.

<sup>5</sup> F01256, Specialist Counsel, *Krasniqi Defence Response to ‘Prosecution Request for Extension of Words to File Consolidated Motion for Admission of Evidence of Witnesses Pursuant to Rule 154’ (F01251)*, 6 February 2023.

<sup>6</sup> SPO Request, para. 1.

Request and no prejudice will be caused to the Defence or the Victims' Counsel.<sup>7</sup> The SPO contends that submitting one motion: (i) will allow a presentation of the relevant evidence in a more efficient and concise manner; (ii) avoids unnecessary repetition across filings; and (iii) is justified by the number of witnesses and elements that the Rule 154 Motion must address.<sup>8</sup>

6. The Krasniqi Defence does not oppose the SPO Request,<sup>9</sup> and requests an equivalent extension of the word limit for its response to the Rule 154 Motion as, it submits, the factors relied upon by the SPO apply equally to any Defence response.<sup>10</sup>

### III. APPLICABLE LAW

7. Pursuant to Article 41 of the Practice Direction, any motion or response thereto shall not exceed 6,000 words.

8. Pursuant to Article 36(1) 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.

### IV. DISCUSSION

9. As regards the timing of the SPO Request, the Panel considers that the Request has been filed sufficiently in advance considering the competing deadlines that the Parties and participants have to manage in light of the upcoming start of the trial on 1 March 2022. Accordingly, the Panel is satisfied that the SPO filed the Request sufficiently in advance.

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<sup>7</sup> SPO Request, para. 2.

<sup>8</sup> SPO Request, para. 2.

<sup>9</sup> Krasniqi Response, para. 2.

<sup>10</sup> Krasniqi Response, para. 3.

10. As regards the good cause requirement, the Panel takes into account: (i) the number of witnesses to be addressed in the Rule 154 Motion; and (ii) the fact that a consolidated motion for the first 12 witnesses will avoid unnecessary repetition across filings and promotes efficiency. Accordingly, the Panel is satisfied that good cause exists, constituting exceptional circumstances, to justify the extension of word limit to 12,000 words sought by the SPO.

11. The factors justifying the SPO Request (*i.e.* namely the number of witnesses involved and the diverse Rule 154 elements which must be addressed) apply equally to any response to the Rule 154 Motion. Therefore, the Panel finds that good cause exists for the request by the Krasniqi Defence, and orders that an extension of the word limit to 12,000 words shall apply to any response by any of the Defence teams and participants to the Rule 154 Motion.

#### VI. DISPOSITION

12. For these reasons, the Panel hereby **GRANTS** the SPO Request, and **EXTENDS** the word limit of the SPO Rule 154 Motion, and any response thereto, to 12,000 words.



**Judge Charles L. Smith, III**  
**Presiding Judge**

Dated this Monday, 6 February 2023

At The Hague, the Netherlands.