



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: 13 February 2023

Language: English

Classification: Public

**Decision on Prosecution Request for Extension of Words to File Consolidated
Response to F01258 and F01271**

Acting Specialist Prosecutor
Alex Whiting

Counsel for Victims
Simon Laws

Counsel for Hashim Thaçi
Gregory Kehoe

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
David Young

Counsel for Jakup Krasniqi
Venkateswari Alagenda

TRIAL PANEL II (“Panel”), pursuant to Article 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Articles 41 and 36(1)-(2) of the Practice Direction on Files and Filings before the Kosovo Specialist Chambers (“Practice Direction”),¹ hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 6 February 2023, the Defence for Rexhep Selimi filed a submission on the proposed trial schedule and the list of first 12 witnesses (“Selimi Defence Submission”).²

2. On 9 February 2023, the Defence for Hashim Thaçi, the Defence for Kadri Veseli, the Defence for Rexhep Selimi, and the Defence for Jakup Krasniqi (collectively “Defence”) filed a joint Defence request for relief pursuant to Article 21(4) and Rule 143 (“Joint Defence Request”).³

3. On 10 February 2023, the Parties and participants were ordered to respond to the Selimi Defence Submission and the Joint Defence Request by Tuesday, 14 February 2023 and reply, either orally or in writing, by Wednesday, 15 February 2023.⁴

4. On 13 February 2023, the SPO filed a request for an extension of the word limit for a consolidated response to the Selimi Defence Submission and the Joint Defence Request (“Request for Extension of Word Limit”).⁵

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

² F01258, Specialist Counsel, *Submissions on Proposed Trial Schedule and SPO Submission of List of First 12 Witnesses*, 6 February 2023, confidential. A public redacted version was filed on 13 February 2023, F01258/RED.

³ F01271, Specialist Counsel, *Joint Defence Request for Relief Pursuant to Article 21(4) of the Law and Rule 143 of the Rules*, 9 February 2023, confidential.

⁴ CRSPD174, *Email from Trial Panel II to CMU re Responses to F1258 and F1271*, 10 February 2023.

⁵ F01284, Specialist Prosecutor, *Prosecution Request for Extension of Words to File a Consolidated Response to F01258 and F01271*, 13 February 2023, confidential.

II. SUBMISSIONS

The SPO submits that it intends to file a consolidated response (“Response”) to the Selimi Defence Submission and Joint Defence Request and requests an extension of 4,500 words, for a total of 10,500 words, for its Response.⁶ It avers that good cause exists for the Request for Extension of Word Limit and no prejudice will be caused to the Defence or the Victims’ Counsel.⁷

III. APPLICABLE LAW

5. Pursuant to Article 41 of the Practice Direction, any motion or response thereto shall not exceed 6,000 words. Any reply to such response shall not exceed 2,000 words.

6. 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.

7. Pursuant to Article 36(2) of the Practice Direction, where no prejudice is caused to the opposing Party, Victims’ Counsel or other affected Participant, a motion for extension of word limits may be disposed of without giving the opposing Party or Victims’ Counsel, where applicable, the opportunity to be heard.

IV. DISCUSSION

8. As regards the timing of the Request for Extension of Word Limit, the Panel considers that it has been filed sufficiently in advance in light of the recent order for an expedited Response. Accordingly, the Panel is satisfied that the SPO filed the Request for Extension of Word Limit sufficiently in advance.

⁶ Request for Extension of Word Limit, para. 1.

⁷ Request for Extension of Word Limit, para. 2.

9. As regards the good cause requirement, the Panel takes into account: (i) the overlapping concerns of the two requests; and (ii) the fact that a consolidated Response will avoid unnecessary repetition across filings thereby promoting efficiency. Accordingly, the Panel is satisfied that good cause exists, constituting exceptional circumstances, to justify the extension of word limit to 10,500 words sought by the SPO.

10. In light of fact that the extension of word limit will allow for a consolidated Response and the Defence and Victims' Counsel will be able to reply orally, if they so choose, on Wednesday, 15 February 2023, the Panel finds that no prejudice will be caused to the Defence or to Victims' Counsel as a result of granting the Request for Extension of Word Limit.

VI. DISPOSITION

11. For these reasons, the Panel hereby **GRANTS** the Request for Extension of Word Limit, and **EXTENDS** the word limit of the Response to 10,500 words.



Judge Charles L. Smith, III
Presiding Judge

Dated this Monday, 13 February 2023

At The Hague, the Netherlands.