



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:** 17 February 2023

**Language:** English

**Classification:** Public

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**Decision on Prosecution Request for Extension of Words to File Motion for  
Admission of Prior Statements of the Accused**

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**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 Alagendra

**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) 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 9 February 2023, the SPO filed a request for extension of words to file a motion for admission of prior statements of the accused (“Request for Extension of Word Limit”).<sup>2</sup>
2. On 13 February 2023, the Selimi Defence filed a response to the Request for Extension of Word Limit (“Response”).<sup>3</sup>
3. The SPO did not reply to the Response.<sup>4</sup>

## II. SUBMISSIONS

4. The SPO submits that it intends to file a consolidated motion containing 26 prior statements of all four Accused (“Motion”) and requests an extension of 6,000 words, for a total of 12,000 words, for its Motion.<sup>5</sup> 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.<sup>6</sup> The SPO contends that submitting one consolidated motion: (i) will allow a presentation of the relevant information in a more efficient and concise manner; and (ii) is justified by the number of prior

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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> F01273, Specialist Prosecutor, *Prosecution Request for Extension of Words to File Motion for Admission of Prior Statements of the Accused*, 9 February 2023.

<sup>3</sup> F01282, *Selimi Defence Response to SPO Request for Extension of Words to File Motion for Admission of Prior Statements of the Accused*, 13 February 2023.

<sup>4</sup> The SPO was ordered to reply by 12 pm on Friday, 17 February 2023. See CRSPD175, *Email from Trial Panel II to CMU regarding Response to F01273*, 14 February 2023.

<sup>5</sup> Request for Extension of Word Limit, para. 1.

<sup>6</sup> Request for Extension of Word Limit, para. 2.

statements included in the filing, as well as the individual Article 37 and Rule 138 elements that must be addressed.<sup>7</sup>

5. The Selimi Defence responds that it does not oppose the Request for Extension of Word Limit.<sup>8</sup> It submits that it will require a commensurate increase in the number of words for its response to the Motion as its submissions will not be limited to the statements of Mr Selimi.<sup>9</sup> In addition, the Selimi Defence requests a fourteen-day extension to respond to the Motion (“Selimi Defence Request for an Extension of Time”).<sup>10</sup>

### III. APPLICABLE LAW

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

7. 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.

8. 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.

9. Pursuant to Rule 76, any response to a motion shall be filed within ten days of the motion and any reply to a response shall be filed within five days of the response.

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<sup>7</sup> Request for Extension of Word Limit, para. 2.

<sup>8</sup> Response, para. 1.

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

<sup>10</sup> Response, paras 3-4.

#### IV. DISCUSSION

10. 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 competing deadlines that the Parties and participants have to manage in relation to the upcoming start of the trial on 3 April 2023. Accordingly, the Panel is satisfied that the SPO filed the Request for Extension of Word Limit sufficiently in advance.

11. As regards the good cause requirement, the Panel takes into account: (i) the number of statements involved for all four Accused; and (ii) the fact that a consolidated motion 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 12,000 words sought by the SPO.

12. The factors justifying the Request for Extension of Word Limit (namely the number of prior statements involved and the individual Article 37 and Rule 138 elements which must be addressed) apply equally to any response to the Motion. Therefore, the Panel orders that an equivalent extension of the word limit, up to 12,000 words, shall apply to any response by any of the Defence teams and participants to the Motion.

13. In light of the fact that the extension of word limit will allow for a consolidated Motion and an equivalent extension of word limit will apply to any response to the Motion, 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.

14. As regards the Selimi Defence Request for an Extension of Time, the Panel believes this request is premature at this stage and that a request for an extension of time can be requested when the Motion is filed.

VI. DISPOSITION

15. For these reasons, the Panel hereby:

- a) **GRANTS** the Request for Extension of Word Limit, and **EXTENDS** the word limit of the Motion, and any response thereto, to 12,000 words; and
- b) **DISMISSES** the Selimi Defence Request for an Extension of Time.



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

Dated this Friday, 17 February 2023

At The Hague, the Netherlands.