



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: Trial Panel II

Judge Charles L. Smith III

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 27 February 2023

Language: English

Classification: Public

**Decision on Prosecution Request for Word Count Extension for Consolidated
Rule 155 Motion**

Acting Specialist Prosecutor

Alex Whiting

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Victims

Simon Laws

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"),¹ hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 18 January 2023, the Panel ordered the SPO to file its first Rule 155 motion by 4 p.m. on 1 March 2023 ("Sixth Oral Order").²
2. On 22 February 2023, the SPO filed a motion for extension of word limit in respect of a consolidated Rule 155 motion ("Request for Extension of Word Limit").³ On the same day, the Parties and participants were ordered to respond to the Request for Extension of Word Limit by Friday, 24 February 2023.⁴ No responses were received from the Defence teams.

II. SUBMISSIONS

3. The SPO submits that, pursuant to the Sixth Oral Order, it intends to file a Rule 155 application in respect of 16 witnesses as one consolidated motion ("Motion") and requests an extension of no more than 18,000 words for its Motion.⁵ 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.⁶

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

² Transcript of Hearing, 18 January 2023, p. 1903, lines 16-17.

³ F01313, Specialist Prosecutor, *Prosecution Request for Word Count Extension for Consolidated Rule 155 Motion*, 22 February 2023.

⁴ CRSPD182, *Email from Trial Panel II to CMU re Responses to F01313*, 22 February 2023, confidential.

⁵ Request for Extension of Word Limit, para. 1.

⁶ Request for Extension of Word Limit, para. 2.

III. APPLICABLE LAW

4. 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.

5. Pursuant to Article 36(1) of the Practice Direction, in exceptional circumstances, participants to proceedings may seek, sufficiently in advance, an extension of the word limit upon a showing of good cause.

IV. DISCUSSION

6. 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.

7. As regards the good cause requirement, the Panel takes into account: (i) the number of witnesses to be included and the conditions for admission that must be addressed in respect of each proposed Rule 155 witness; and (ii) the fact that a consolidated Motion will avoid unnecessary repetition across filings thereby promoting overall efficiency. Accordingly, the Panel is satisfied that good cause has been shown justifying the extension of word limit to no more than 18,000 words sought by the SPO.

8. The factors justifying the Request for Extension of Word Limit apply equally to any response to the Motion. Therefore, the Panel *proprio motu* authorises an equivalent extension of the word limit, of no more than 18,000 words, which shall apply to any response by any of the Defence teams and participants to the Motion.

9. 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. The Panel invites the Defence teams to consider the possibility of filing a joint Response to the SPO Motion.

VI. DISPOSITION

10. For these reasons, the Panel hereby:

GRANTS the Request for Extension of Word Limit, and
EXTENDS the word limit of the Motion, and any response
thereto, to no more than 18,000 words.



Judge Charles L. Smith, III
Presiding Judge

Dated this Monday, 27 February 2023

At The Hague, the Netherlands.