

In: KSC-BC-2020-06

Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Trial Panel II

Judge Charles L. Smith, III, Presiding Judge
Judge Christophe Barthe
Judge Guénaël Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Counsel for Hashim Thaçi
Counsel for Kadri Veseli
Counsel for Rexhep Selimi
Counsel for Jakup Krasniqi

Date: 8 March 2023

Language: English

Classification: Public

Joint Defence Request for Variation of the Word Limit

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I. INTRODUCTION

1. Pursuant to Article 36(1) of the Practice Direction,¹ the Defence for Messrs. Thaçi, Veseli, Selimi, and Krasniqi (“the Defence”) request an extension of the word limit from 6,000 to 15,000 words for its forthcoming joint Defence response to the Prosecution application for admission of material through the bar table,² due on 21 March 2023.³

II. SUBMISSIONS

2. Exceptional circumstances justifying the requested extension exist in the present case. Firstly, the Defence response will address the **first** SPO bar table motion submitted in these proceedings, necessitating full submissions on what remains a novel, and complex, question as between the parties. The Defence will detail the applicable law, and its position on the criteria of admissibility of evidence through the bar, authenticity, relevance, and probative value, and on various categories of documents listed in the SPO Application, warranting detailed arguments with reference to relevant authorities.

3. The length, volume, and diversity of the proposed items listed in SPO Application provides further support for the requested extension. Through its Application, the SPO has sought the admission of 1,260 items totaling approximately 13,500 pages. The Defence has already identified different 19 categories of items for which it may raise certain objections, such as KLA documents, materials seized from the Accused, media articles, books, expert reports, UN, human rights and NGO

¹ Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019 (“Practice Direction”).

² KSC-BC-2020-06/F01268, Prosecution application for admission of material through the bar table with public Annexes 5 and 8, and confidential Annexes 1-4, 6 and 7, 8 February 2023 (“SPO Application”).

³ KSC-BC-2020-06/F01309, Decision on Defence Request for a Revised Bar Table Motion and a Suspension and an Extension of Time, para. 16.

reports, *etc.* The variation of the word limit sought will allow the Defence to formulate a fully articulated position on these various categories. Full submissions will have the added benefit of obviating the need for the Defence to repeat its position in response to any future bar table motions filed by the SPO.⁴

4. Moreover, as suggested by the Trial Panel, the Defence intends to file a joint response, which will “reduce the amount of time and resources necessary for all involved to address this matter.”⁵ Instead of filing four different responses with a combined limit of up to 24,000 words, the Defence requests an extension of the word limit from 6,000 to 15,000 words for a single filing, which will allow it to address the particular concerns of each team without repetition.

5. As such, good cause exists for the requested word extension, from which no prejudice will be caused to either the SPO or to the Victims’ Counsel.

6. Last, the request is timely. The Defence response to the SPO Application is due on 21 March 2023, giving sufficient time for the adjudication of the present request.

III. CONCLUSION

7. For the forgoing reasons, the Defence requests the Trial Panel to:

AUTHORISE an extension of the word limit for the joint Defence response to the SPO Application from 6,000 to 15,000 words.

Word Count: 535

⁴ SPO Application, para. 1.

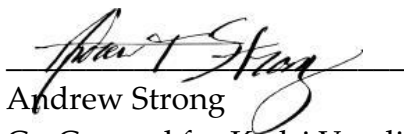
⁵ KSC-BC-2020-06/F01309, Decision on Defence Request for a Revised Bar Table Motion and a Suspension and an Extension of Time, para. 15.



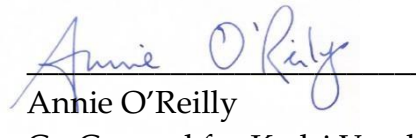
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