



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, Presiding Judge
Judge Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 7 July 2023

Language: English

Classification: Public

**Decision on Specialist Prosecutor's Request for Extension of Word Limit to File
Rule 153 Motion**

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

Geoffrey Roberts

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 and Articles 36(1)-(2) and 41 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 5 July 2023, the Specialist Prosecutor’s Office (“SPO”) filed a request for extension of the word limit for the filing of its motion for admission of evidence of witnesses pursuant to Rule 153 (“Request”).²
2. Defence and Victims’ Counsel have indicated, *inter partes*, that they do not oppose the Request.

II. SUBMISSIONS

3. The SPO intends to file one consolidated motion containing submissions for a number of witnesses for admission under Rule 153 (“Rule 153 Motion”). The SPO therefore requests a word extension of 6,000 words for its Rule 153 Motion, to a total of 12,000 words, pursuant to Article 36(1) of the Practice Direction.³
4. The SPO submits that good cause exists for the Request as submitting one motion in respect of a number of witnesses pursuant to Rule 153: (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 153 Motion must address.⁴ The SPO avers

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

² F01643, Specialist Prosecutor, *Prosecution Request for Extension of Words to File Consolidated Motion for Admission of Evidence of Witnesses Pursuant to Rule 153*, 5 July 2023.

³ Request, para. 1.

⁴ Request, para. 2.

that no prejudice will be caused to the Defence or Victims' Counsel as they have confirmed, *inter partes*, that they do not oppose the Request.⁵

III. DISCUSSION

5. As regards the timing of the Request, the Panel considers that the Request has been made in a timely manner considering that there is, at present, no time limit set for the Rule 153 Motion and proceedings are still at an early stage.

6. As regards the showing of good cause, the Panel takes into account: (i) that a number of witnesses will be addressed in the Rule 153 Motion; (ii) the fact that a consolidated motion for these witnesses will avoid unnecessary repetition across filings and will promote efficiency; and (iii) the fact that an early application for admission of witnesses pursuant to Rule 153 will enable the Defence to indicate which evidence it takes issue with and thus potentially help reduce the duration of proceedings. Accordingly, the Panel is satisfied that good cause exists to justify the extension of the word limit of the Rule 153 Motion to 12,000 words.

7. The factors justifying the Request apply equally to any responses to the Rule 153 Motion. Therefore, the Panel, *proprio motu*, authorises an equivalent extension of the word limit, to no more than 12,000 words, to any responses by the Defence or Victim's Counsel to the Rule 153 Motion. The Panel would welcome a joint Defence response, if one can be agreed, so as to reduce the number of filings which the Panel would have to consider in respect of this matter.

8. Lastly, as the Defence and Victims' Counsel have indicated, *inter partes*, that they do not oppose the Request and having granted a similar extension to the Defence and Victims' Counsel, no prejudice is caused by the Panel rendering this

⁵ Request, para. 1.

decision, pursuant to Article 36(2) of the Practice Direction, without awaiting any written responses to the Request.

IV. DISPOSITION

9. For these reasons, the Panel hereby:

(a) **GRANTS** the Request; and

(b) **EXTENDS** the word limit of the Rule 153 Motion and any responses to the Rule 153 Motion to 12,000 words.



Judge Charles L. Smith, III
Presiding Judge

Dated this Friday, 7 July 2023

At The Hague, the Netherlands.