



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2020-06

**The Specialist 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:** 24 November 2023

**Language:** English

**Classification:** Public

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**Decision on Urgent Requests for Extension of Word Limit**

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**Specialist Prosecutor**  
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Gregory Kehoe

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
Geoffrey Roberts

**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 36(1)-(2) and 43 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 23 November 2023, the Defence for Mr Krasniqi (“Krasniqi Defence”) and the Defence for Mr Selimi (“Selimi Defence”) filed requests for extension of the word limit for the filing of prospective requests for certification to appeal the Panel’s Decision on Prosecution Motion for Admission of Accused’s Statements (“Impugned Decision”)<sup>2</sup> (“Krasniqi Request” and “Selimi Request”, respectively; collectively, “Requests”).<sup>3</sup>

2. The Specialist Prosecutor’s Office (“SPO”) did not respond to the Requests.<sup>4</sup> It indicated, *inter partes*, that it would not oppose a reasonable and justified extension.<sup>5</sup>

## II. SUBMISSIONS

3. The Krasniqi Defence requests a variation of the word limit to 5,500 words.<sup>6</sup> It submits that: (i) good cause exists for an extension of the word limit;<sup>7</sup> and

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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> F01917, Panel, *Decision on Prosecution Motion for Admission of Accused’s Statements*, 9 November 2023.

<sup>3</sup> F01949, Specialist Counsel, *Urgent Krasniqi Defence Request for Extension of Word Limit*, 23 November 2023; F01950, Specialist Counsel, *Urgent Selimi Defence Request for Word Count Extension for Request for Certification to Appeal F01917*, 23 November 2023.

<sup>4</sup> CRSPD 374.

<sup>5</sup> See Krasniqi Request, para. 6; Selimi Request, para. 2. However, the Krasniqi Defence stated that SPO noted that: (i) the extension sought almost doubles the permitted word limit; (ii) the filing should just address the Rule 77 criteria; and (iii) while the Impugned Decision is a lengthy filing overall, the relevant parts to Mr Krasniqi are much more limited. See Krasniqi Request, para. 6.

<sup>6</sup> Krasniqi Request, paras 1, 11.

<sup>7</sup> Krasniqi Request, para. 8.

(ii) concerning the timing of this request, the necessity of the extension of the word limit only became apparent during the preparation of the request for certification.<sup>8</sup>

4. The Selimi Defence requests a 2,000-word extension.<sup>9</sup> It submits that such an extension is reasonable considering the significance and complexity of the issues underlying the request.<sup>10</sup>

### III. DISCUSSION

5. As regards the timing of the Requests, the Panel considers that they have been filed in a timely manner considering that, upon the Defence's request, the Panel extended the time limit to file any request for certification to appeal the Impugned Decision to Monday, 27 November 2023.<sup>11</sup>

6. As regards the showing of good cause, the Panel considers that any requests for certification to appeal the Impugned Decision should only address the Rule 77 criteria and not deal with the merits of the appeal. The Krasniqi and Selimi Defence have failed to establish why their requests for certification and their submissions in respect of the Rule 77 requirements could not be made within the set word limit. The purported 'importance' of the underlying issues does not impact the length of expected submissions. The Krasniqi and Selimi Defence have failed, therefore, to show good cause for an extension. Moreover, it appears that Defence teams will be filing individual requests for certification, thus likely raising similar issues in several filings which the Panel will only need to address once. The Panel is therefore of the view that the length and complexity of the Impugned Decision do not warrant an extension of the word limit set out in

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<sup>8</sup> Krasniqi Request, para. 10.

<sup>9</sup> Selimi Request, para. 1.

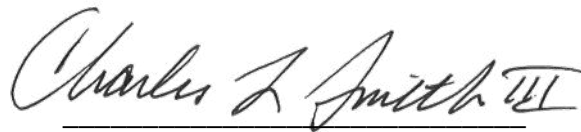
<sup>10</sup> Selimi Request, para. 2.

<sup>11</sup> Transcript of Hearing, 13 November 2023, pp. 9823-9824, 9881.

Article 43 of the Practice Direction, *i.e.* 3,000 words. The Requests are therefore rejected.

IV. DISPOSITION

7. For the above-mentioned reasons, the Panel hereby **REJECTS** the Requests.

A handwritten signature in black ink, reading "Charles L. Smith, III". The signature is written in a cursive style and is positioned above a horizontal line.

**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Friday, 24 November 2023

At The Hague, the Netherlands.