

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: 10 January 2024

Language: English

Classification: Public

Joint Defence Request for Variation of the Word Limit

Specialist Prosecutor's Office

Kimberly P. West

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Victims

Simon Laws

Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagendra

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 7,500 words for its forthcoming joint response to the Prosecution motion for the admission of the evidence of witnesses W04016, W04019, W04044, W04305, W04361, W04722, W04816, W04850, W04851, and W04852 pursuant to Rule 153,² due on 15 January 2024.³

II. SUBMISSIONS

2. Exceptional circumstances justifying the requested extension exist in the present case. The SPO Motion concerns 10 witnesses, and the Defence intends to submit specific objections for each of them. Thus, the length, volume, and diversity of the proposed items listed in SPO Motion provides further support for the requested extension. The variation of the word limit sought will allow the Defence to formulate a fully articulated position on each witness. Given that what is at stake is the admission of incriminating statements without cross-examination, which is one of the core rights of the Defence guaranteed by Article 21(4)(f) of the KSC Law, it should be given the opportunity to be fully heard on the prejudice caused by such admission, if any, and on the issues that the Defence would like to address in cross-examination.

3. Moreover, 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. While, at this stage, the Defence teams have a different position on five of the concerned

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/F01994, 14 December 2023 (“SPO Motion”).

³ KSC-BC-2020-06-F02029, Decision on Joint Defence Request for Extensions of the Time Limit to Respond to Certain Filings, 20 December 2023.

witnesses, the Defence requests an extension of the word limit from 6,000 to 7,500 words for a single filing, which will allow it to address the particular concerns of each team without repetition, thereby promoting overall efficiency.

4. 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. Both the SPO and the Victims' Counsel have indicated *inter partes* that they do not object to the extension sought.⁴

5. Last, the request is timely. The Defence response to the Motion is due on 15 January 2024, giving sufficient time for the adjudication of the present request.

III. CONCLUSION

6. 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 Motion from 6,000 to 7,500 words.

Word Count: 451

Respectfully submitted on 10 January 2024,

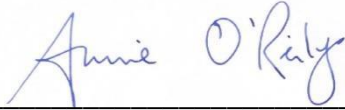


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⁴ Emails from the SPO and Victims' Counsel dated 10 January 2024.



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