



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2020-07
Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: **Pre-Trial Judge**
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 9 April 2021

Language: English

Classification: Public

Submission of Pre-Trial-Brief, witness and exhibit lists, and Rule 109(c) chart

with confidential Annexes 1-4

Specialist Prosecutor's Office

Jack Smith

Counsel for Hysni Gucati

Jonathan Elystan Rees

Counsel for Nasim Haradinaj

Toby Cadman

1. Pursuant to Rule 95(4) of the Rules,¹ and to the Pre-Trial Judge's order,² the Specialist Prosecutor's Office ('SPO') hereby files:

- a. The Prosecution Pre-Trial Brief,³ containing a summary of evidence the SPO intends to present to prove the charges in the Indictment;⁴
- b. The list of witnesses the SPO intends to call at trial, containing the information required by Rule 95(4)(b);⁵
- c. The list of proposed exhibits the SPO intends to present at trial;⁶ and
- d. The SPO's consolidated Rule 109(c) disclosure chart.⁷

2. In relation to the order to notify the Pre-Trial Judge of any agreement on points of law and facts,⁸ the SPO notes that, on 12 March 2021, it communicated to the Defence, on an *inter partes* basis, proposed agreed facts pursuant to Rule 95(3) and requested a response to this proposal by 26 March 2021.⁹ No response was received by the requested date. During the 30 March 2021 status conference, Counsel for Nasim HARADINAJ noted the intention of the HARADINAJ Defence to respond to the SPO's proposal and anticipated that much can be agreed.¹⁰

3. On 6 April 2021, since no response had been received, in a further *inter partes* communication, the SPO recalled the 9 April 2021 deadline to file joint submissions on any agreement on points of fact and law and asked the Defence to provide its position on the SPO's proposal by 7 April 2021.¹¹ The SPO has received no

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

² KSC-BC-2020-07, Transcript, 24 February 2021, p.178; Consolidated Calendar for the Remainder of the Pre-Trial Proceedings, KSC-BC-2020-07/F00148, Public ('Consolidated Calendar'), para.6(a)(vii).

³ Annex 1.

⁴ Annex 1 to Submission of confirmed Indictment, KSC-BC-2020-07/F00075/A01, 14 December 2020, Strictly Confidential ('Indictment').

⁵ Annex 2.

⁶ Annex 3.

⁷ Annex 4.

⁸ KSC-BC-2020-07, Transcript, 24 February 2021, p.178; Consolidated Calendar, KSC-BC-2020-07/F00148, para.6(a)(vi).

⁹ Email from the SPO to Defence Counsel sent on 12 March 2021 at 03:12 p.m.

¹⁰ KSC-BC-2020-07, Transcript, 30 March 2021, p.208.

¹¹ Email from the SPO to Defence Counsel sent on 6 April 2021 at 12:51 p.m.

communication from the Defence in this respect. As a consequence, at this stage there can be no joint submission of any agreement on points of law and fact.

II. CONFIDENTIALITY

4. The annexes to this filing are submitted as confidential to safeguard previously authorised protective measures.

Word count: 398



Jack Smith

Specialist Prosecutor

Friday, 9 April 2021

At The Hague, the Netherlands.