



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

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

Before: **Single Judge**
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 30 September 2020

Language: English

Classification: **Public**

Order for Submissions on the Working Language of the Proceedings

Specialist Prosecutor
Jack Smith

Counsel for Hysni Gucati
Jonathan Elystan Rees

Duty Counsel for Nasim Haradinaj
Bastiaan Martens

THE SINGLE JUDGE,¹ pursuant to Article 20 of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 8(3)(a) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 22 September 2020, the Specialist Prosecutor's Office ("SPO") requested the arrest and transfer of Hysni Gucati ("Mr Gucati") and Nasim Haradinaj ("Mr Haradinaj") (collectively, "Suspects").²
2. On 24 September 2020, the Single Judge issued a "Decision on Request for Arrest Warrants and Transfer Orders" in which he ordered the arrest and transfer of Mr Gucati and Mr Haradinaj.³
3. On 25 September 2020, Mr Gucati was arrested and transferred to the detention facilities of the Specialist Chambers.⁴ Mr Haradinaj was arrested on 25 September 2020 and transferred to the detention facilities of the Specialist Chambers the following day.⁵

¹ KSC-BC-2020-07, F00003, President, *Decision Assigning a Single Judge Pursuant to Article 33(2) of the Law*, 29 May 2018, public, p. 5.

² KSC-BC-2020-07, F00009, Specialist Prosecutor, *Urgent Request for Arrest Warrants and Related Orders*, 22 September 2020, strictly confidential and *ex parte*, with Annexes 1-2, strictly confidential and *ex parte*; F00011, Specialist Prosecutor, *Urgent Supplemental Submission Related to Filing KSC-BC-2018-01/F00125*, 23 September 2020, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*.

³ KSC-BC-2020-07, F00012, Single Judge, *Decision on Request for Arrests and Transfers*, 24 September 2020, strictly confidential and *ex parte*, with public redacted Annexes 1-4.

⁴ KSC-BC-2020-07, F00015, Registrar, *Notification of Arrest Pursuant to Rule 55(4)*, 25 September 2020, strictly confidential and *ex parte*; F00018, Registrar, *Notification of the Reception of Hysni Gucati in the Detention Facilities of the Specialist Chambers*, 25 September 2020, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*; F00019, Registrar, *Preliminary report on the arrest and transfer of Hysni Gucati pursuant to Decision KSC-BC-2018-01/F00128*, 25 September 2020, strictly confidential and *ex parte*; F00031, Registrar, *Report on the Arrest and Transfer of Hysni Gucati to the Detention Facilities*, 30 September 2020, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*.

⁵ KSC-BC-2020-07, F00016, Registrar, *Notification of Arrest Pursuant to Rule 55(4)*, 25 September 2020, strictly confidential and *ex parte*; F00020, Registrar, *Notification of the Reception of Nasim Haradinaj in the Detention Facilities of the Specialist Chambers*, 26 September 2020, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte*; F00021, Registrar, *Preliminary report on the arrest and transfer*

4. The first appearance of Mr Haradinaj was held on 29 September 2020. The first appearance of Mr Gucati is set for 1 October 2020.⁶

II. APPLICABLE LAW

5. Pursuant to Article 20 of the Law, the official languages of the Specialist Chambers and the SPO are Albanian, Serbian and English, and in any given proceedings, a Panel may decide the working languages for those proceedings, as appropriate and with full respect of the rights of the suspect.

6. Pursuant to Rule 8(3)(a) of the Rules, subject to Article 20 of the Law, as early in the proceedings as possible, the Panel, after hearing the Parties and, where applicable, Victims' Counsel, shall decide which working language(s) shall be used in the proceedings.

III. DISCUSSION

7. In light of the arrest and transfer of Mr Gucati and Mr Haradinaj, it is necessary to determine the working language of the present proceedings in order to ensure their fair, efficient and expeditious conduct. In addition, the determination of the working language is necessary to provide, as early in the proceedings as possible, clarity to the parties and any participant, as the case may be, for the preparation and organisation of their submissions. Further, early determination of the working language will increase the planning capacity of the language servicing sections within the Registry and the SPO.

of Nasim Haradinaj pursuant to Decision KSC-BC-2018-01/F00128, 26 September 2020, strictly confidential and ex parte; F00026, Registrar, Corrected Report on the Arrest and Transfer of Nasim Haradinaj to the Detention Facilities, 28 September 2020, strictly confidential and ex parte, with Annex 1, strictly confidential and ex parte.

⁶ KSC-BC-2020-07, F00023, Single Judge, *Decision Setting the Date for the First Appearance of Nasim Haradinaj*, 28 September 2020, public; F00029, Single Judge, *Decision Setting the Date for the First Appearance of Hysni Gucati*, 29 September 2020, public.

8. The Single Judge notes that the language of the proceedings to date has been English, as all filings by the SPO and all decisions and orders of the Single Judge have been issued in English. Nevertheless, before taking a decision to determine the working language of the proceedings, and deciding whether there are compelling reasons to refrain from conducting future proceedings in English, the Single Judge finds it necessary to receive observations from the parties.

9. The Single Judge emphasises that the determination of the working language leaves unaffected the language and/or translation of evidence and other necessary documentation for the benefit of the Suspects.⁷

IV. DISPOSITION

10. For the above-mentioned reasons, the Single Judge hereby requests the parties to provide their submissions as to the working language to be adopted in the present proceedings by **Wednesday, 7 October 2020**.



Judge Nicolas Guillou
Single Judge

Dated this Wednesday, 30 September 2020
At The Hague, the Netherlands.

⁷ Articles 21(4)(a) and 39(5) of the Law; Rules 86(8), 87(1), 92(2)(b) and 102(1) of the Rules.