



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

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

Before: **Single Judge**
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 7 October 2020

Language: English

Classification: Public

Prosecution submissions on working language for KSC-BC-2020-07

Specialist Prosecutor's Office

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I. INTRODUCTION

1. Pursuant to the Order of the Single Judge,¹ Article 20 of the Law,² and Rule 8(3) of the Rules,³ the Specialist Prosecutor's Office ('SPO') hereby provides written submissions on the working language for proceedings KSC-BC-2020-07.

2. The SPO submits that English should be the working language for proceedings under KSC-BC-2020-07, with appropriate interpretation and translation into Albanian for each of the Suspects.⁴

II. SUBMISSIONS

3. While mindful of the three official languages of the Specialist Chambers and SPO,⁵ designation of English as the working language for KSC-BC-2020-07 will ensure efficient proceedings and reflect a practical and responsible allocation of resources.⁶

4. The SPO has limited in-house Serbian and Albanian translation and interpretation resources. These resources must be devoted to ongoing investigative activities across multiple cases, and the processing of evidence, including with respect to present and future disclosure obligations, in KSC-BC-2020-07 and other proceedings.⁷ Diversion of these limited resources to the processing of written

¹ Order for Submissions on the Working Language of the Proceedings, KSC-BC-2020-07/F00035, 30 September 2020, Public ('Order').

² Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). All references to 'Article' or 'Articles' herein refer to articles of the Law, unless otherwise specified.

³ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

⁴ Rule 8. *See also* transcripts of 29 September 2020 and 1 October 2020, respectively, where each of the Suspects confirm they understand the Albanian language.

⁵ Article 20; Rule 8(1).

⁶ STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-01/I/PTJ, *Décision relative à l'emploi des langues*, 22 October 2019 para.16; STL, *The Prosecutor v. Ayyash et al.*, STL-11-01/I/PTJ, *Decision on Languages in the Case of Ayyash et al.*, 16 September 2011, para.32 ('In light of the foregoing, the Pre-Trial Judge finds that while the three official languages of the Tribunal – Arabic, English and French – enjoy equal status, considerations of time and resource limitations nevertheless justify the adoption of a practical approach to the modalities of the language use').

⁷ *See* Rules 102 and 103.

submissions, or related matters, in KSC-BC-2020-07 would place a heavy burden on resources, with possible negative repercussions on the duration of the proceedings.

5. Several other factors also militate in favour of the designation of English as the working language. First, as observed in the Order,⁸ the entirety of the proceedings to date have been conducted in English. This includes the first appearances of each of the Suspect on 29 September and 1 October 2020, respectively, as well as all filings in the proceedings, including those made on behalf of each Suspect. Indeed, Specialist Counsel for Mr Gucati has already indicated agreement that English should remain the working language for these proceedings.⁹

6. The designation of English as the working language for KSC-BC-2020-07 will thus ensure the efficiency of the proceedings and, at the same time, fully respect the rights of the Suspects.

Word count: 508



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⁸ Order, KSC-BC-2020-07/F00035, para.8.

⁹ Submissions on the Working Language of Proceedings, KSC-BC-2020-07/F00041, 30 September 2020.