



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:** Single Judge Panel  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor

**Date:** 14 October 2020

**Language:** English

**Classification:** Public

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**Public Redacted Version of**

**'Prosecution report pursuant to decision KSC-BC-2018-01/F00121', filing KSC-BC-2020-07/F0008 dated 21 September 2020**

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**Specialist Prosecutor's Office**

Jack Smith

**Counsel for Hysni Gucati**

Jonathan Elystan Rees

**Duty Counsel for Nasim Haradinaj**

Bastiaan Martens

1. The Specialist Prosecutor's Office ('SPO') hereby reports to the Single Judge Panel ('Single Judge'), pursuant to Decision KSC-BC-2018-01/F00121,<sup>1</sup> on the seizure of documents from the KLA War Veteran's Association ('KLA WVA').
2. At 12:24 on 8 September 2020, SPO operational security officers [REDACTED] and [REDACTED], accompanied by an interpreter and by independent observer [REDACTED], attended the KLA WVA office in Pristina. They met with the secretary of the KLA WVA, Mr Faton KLINAKU, who was in the company of two other men. The SPO officers informed Mr KLINAKU that an order had been issued addressed to the KLA WVA and to Mr Hysen GUCATI. Mr KLINAKU stated that Mr GUCATI was out of the country.
3. Paragraphs 22 and 25 of Decision KSC-BC-2018-01/F00121 were read to Mr KLINAKU in English, and translated into Albanian by the interpreter. Officer [REDACTED] also read Rule 42(1) of the Rules to Mr KLINAKU, which was again translated into Albanian by the interpreter. Officer [REDACTED] asked Mr KLINAKU if he wished to have counsel present. Mr KLINAKU asked whether that was needed, and Officer [REDACTED] informed him that it was not a requirement in order for the process to take place.
4. Mr KLINAKU then provided the SPO officers with the bundle of documents which had allegedly been delivered to the KLA WVA offices the previous day. Mr KLINAKU stated that copies of the documents had already been provided to certain members of the press. A written record of the handover was signed.<sup>2</sup>
5. Mr KLINAKU showed the SPO officers CCTV footage of the man dropping off the documents to KLA WVA office the previous day, and the SPO officers made a recording of the footage.

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<sup>1</sup> URGENT Decision Authorising a Seizure, KSC-BC-2018-01/F00121, 7 September 2020, Strictly Confidential and *Ex Parte*, ('KSC-BC-2018-01/F00121') *see especially* para.17 (specifying that the report shall indicate (i) the date, time, duration, location, scope, and circumstances of the seizure and (ii) the fulfilment of the requirements under Rule 39 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules')).

<sup>2</sup> See Annex 1.

6. Throughout the entirety of the encounter, Mr KLINAKU repeatedly emphasised that the KLA WVA do not 'recognise' the Kosovo Specialist Chambers and SPO. Officer [REDACTED] and the independent observer left the KLA WVA premises at 13:57, with [REDACTED].
7. At approximately 16:15 that same day, Officer [REDACTED] with the assistance of an interpreter, called Mr KLINAKU to enquire about a cover letter that had reportedly been provided to the KLA WVA with the documents, and was not amongst the items provided to the SPO. Mr KLINAKU stated that there had not been any cover letter and the information about additional documents that would subsequently be provided had been given orally to the KLA WVA by the man dropping off the documents.
8. A scanned copy of the seized documents was made that same day and transferred to The Hague for analysis. The hardcopy seized documents were retained securely at SPO offices in Pristina, before being transferred to The Hague.
9. This report is submitted as strictly confidential consistent with the classification of Decision KSC-BC-2018-01/F00121.

**Word count: 523**



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**Jack Smith**  
**Specialist Prosecutor**

Wednesday, 14 October 2020

At The Hague, the Netherlands