



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

Public Redacted Version of

'Prosecution report pursuant to decision KSC-BC-2018-01/F00123', filing KSC-BC-2020-07/F00028 dated 29 September 2020

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/F00123,¹ on the seizure of documents from the KLA War Veteran's Association ('KLA WVA').
2. At 09:50 on 17 September 2020, SPO investigator [REDACTED], accompanied by SPO operational security officer [REDACTED] and by independent observer [REDACTED], attended the KLA WVA office in Pristina. They met with head of the KLA WVA, Mr Hysen GUCATI, who was together with Deputy Head, Mr Nasim HARADINAJ, Secretary Mr Faton KLINAKU and three other persons. Members of the media were also present in the KLA WVA offices. At the outset of the encounter, and in response to a query as to why the KLA WVA had not notified the SPO or Kosovo authorities rather than handing the documents to the media, Mr GUCATI emphasised that the KLA WVA do not 'recognise' the SPO. Investigator [REDACTED] informed the representatives that confidential material should be handed over to SPO or other legal authorities. Nasim HARADINAJ responded that they did not know if the material was confidential or belonged to the SPO.
3. Mr HARADINAJ and Mr GUCATI stated that 70% of the documents had already been taken by various media representatives; the remaining documents were spread on a meeting table. Mr HARADINAJ added that, after the KLA WVA held the press conference, he warned the journalists who took the documents that they should not publish names. Mr HARADINAJ stated that he is aware that publishing the names of the witnesses may endanger their lives.
4. Investigator [REDACTED] provided Mr GUCATI and Mr HARADINAJ with his contact details, and requested to be informed immediately if a similar incident were to happen in the future.

¹ Decision Authorising a Seizure, KSC-BC-2018-01/F00123, 17 September 2020, Strictly Confidential and *Ex Parte*, ('KSC-BC-2018-01/F00123') *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')).

5. Investigator [REDACTED] read Rule 42(1) of the Rules to Mr GUCATI in Albanian, and paragraphs 22 and 25 of Decision KSC-BC-2018-01/F00123 were orally translated for Mr GUCATI. Mr GUCATI was then provided with a copy of Decision KSC-BC-2018-01/F00123 in English. Mr HARADINAJ telephoned lawyer Tomë GASHI, who took approximately two hours to arrive, arriving at 12.38. Given the long wait, Mr HARADINAJ left the meeting.
6. At 12:45, following the arrival of lawyer Tomë GASHI, the documents were handed over to the SPO. A written record of the handover was signed.²
7. The SPO team and independent observer left the KLA WVA premises at 13:00.
8. This report is submitted as strictly confidential consistent with the classification of Decision KSC-BC-2018-01/F00123.

Word count: 471



Jack Smith
Specialist Prosecutor

Wednesday, 14 October 2020

At The Hague, the Netherlands

² See Annex 1.