



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:** Confidential

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**Prosecution submissions on the reclassification of filings**

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## I. INTRODUCTION

1. Pursuant to the Reclassification Order,<sup>1</sup> Articles 21(2) and 39(6) of the Law,<sup>2</sup> and Rule 82(3) and (5) of the Rules,<sup>3</sup> the Specialist Prosecutor's Office ('SPO') hereby provides written submissions on the reclassification of previous filings in case KSC-BC-2020-07.<sup>4</sup>

2. This filing is submitted as confidential in accordance with Rule 82(4).

## II. SUBMISSIONS

### *Public and/or confidential versions of filings*

3. On 1 October 2020, pursuant to the Reclassification Order,<sup>5</sup> the SPO submitted the following filings:

- Confidential (redacted) and public (redacted) versions of F0009; and
- Public versions of F0009/A01 and F0009/A02.

4. On 14 October 2020, pursuant to the Reclassification Order,<sup>6</sup> the SPO submitted the following filings:

- Public (redacted) version of F00004;
- Public (redacted) version of F00008;
- Public (redacted) version of F00010;
- Public (redacted) version of F00011 and public version of F00011/A01;<sup>7</sup> and
- Public (redacted) version of F00028.

5. The limited redactions applied pertain to references to filings which the public and/or Hysni Gucati and Nasim Haradinaj (collectively, the 'Suspects') do not

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<sup>1</sup> Order for Submissions on the Reclassification of Filings, KSC-BC-2020-07/F00036, 30 September 2020, Confidential ('Reclassification Order').

<sup>2</sup> Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). Unless otherwise indicated, all references to 'Article(s)' are to the Law.

<sup>3</sup> 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.

<sup>4</sup> Reclassification Order, KSC-BC-2020-07/F00036, paras 13-14.

<sup>5</sup> Reclassification Order, KSC-BC-2020-07/F00036, paras 13-14.

<sup>6</sup> Reclassification Order, KSC-BC-2020-07/F00036, paras 13-14.

<sup>7</sup> See also para.8 below in respect of two confidential ex parte versions of F00011 which have also been submitted.

currently have access to in view of the current classification of such filings, to personal details of the Suspects, and/or to matters which could prejudice ongoing SPO investigations.

*Requests for reclassifications*

6. Having reviewed KSC-BC-2020-07/F00006, the SPO respectfully requests the Single Judge to direct the Registrar to reclassify it as public.

7. Having reviewed the following filings in case KSC-BC-2020-07, the SPO respectfully requests the Single Judge to direct the Registrar to reclassify them as confidential (and available to Counsel for each of the Suspects):

- F00008;
- F00008/A01;
- F00010;
- F00010/A01;
- F00028; and
- F00028/A01.

*Strictly confidential and ex parte filings*

8. In relation to KSC-BC-2020-07/F00011, on 14 October 2020, the SPO filed: (i) a 'Confidential and *Ex Parte*, available to Duty Counsel for Nasim Haradinaj only' version; and (ii) a 'Confidential and *Ex Parte*, available to Counsel for Hysni Gucati only' version. This was necessary in order to ensure the privacy of each Suspect given that F00011 as originally filed contained biographical information concerning both Suspects. As noted above, a public redacted version of this filing was filed on the same day, redacting certain biographical information relevant to both Suspects, and the annex to that filing, containing photographs of the two Suspects, has been made public.

**Word count: 466**



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**Jack Smith**

**Specialist Prosecutor**

Wednesday, 14 October 2020

At The Hague, the Netherlands.