



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

In: KSC-BC-2020-07
Before: Single Judge Panel
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon
Filing Participant: Specialist Prosecutor
Date: 21 October 2020
Language: English
Classification: Confidential

Prosecution response to Defence request for an oral hearing

Specialist Prosecutor's Office

Jack Smith

Counsel for Hysni Gucati

Jonathan Elystan Rees

Duty Counsel for Nasim Haradinaj

Bastiaan Martens

1. While the Specialist Prosecutor's Office ('SPO') generally welcomes oral argument, the Request¹ should be denied. Submissions have already been heard from both parties on all of the issues raised in the Request,² both orally³ and in writing.⁴ Consequently, convening a further hearing at this stage is unnecessary and would only result in delay and repetition.
2. This filing is confidential in accordance with Rule 82(4).

Word count: 210



Jack Smith

Specialist Prosecutor

Wednesday, 21 October 2020
At The Hague, the Netherlands.

¹ Request for an Oral Hearing, 20 October 2020, KSC-BC-2020-07/F00052, Confidential ('Request').

² This includes the baseless request for assignment of a new judge (Request, KSC-BC-2020-07/F00052, para.6). *See* Consolidated Prosecution response to Defence motions challenging lawfulness of arrest and requesting release, 9 October 2020, KSC-BC-2020-07/F00045, para.2.

³ Transcript of First Appearance, 1 October 2020.

⁴ Challenge to the Lawfulness of the Arrest in Accordance with Article 41(2): Request for Assignment of a New Judge to Determine Challenge, 29 September 2020, KSC-BC-2020-07/F00032; Challenge to the Lawfulness of the Arrest in Accordance with Article 41(2): Request for Disclosure, 29 September 2020, KSC-BC-2020-07/F00033; Challenge to the Lawfulness of the Arrest in Accordance with Article 41(2): The Arrest Warrant was Issued Without Lawful Authority, 29 September 2020, KSC-BC-2020-07/F00034; Application for Bail, 29 September 2020, KSC-BC-2020-07/F00038; Consolidated Prosecution response to Defence motions challenging lawfulness of arrest and requesting release, 9 October 2020, KSC-BC-2020-07/F00045.