



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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

Before: **Pre-Trial Judge**
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Date: 17 December 2020

Language: English

Classification: **Public**

Second Decision

Rescheduling the Initial Appearances of Mr Gucati and Mr Haradinaj

Specialist Prosecutor
Jack Smith

Counsel for Hysni Gucati
Jonathan Elystan Rees
Huw Bowden

Counsel for Nasim Haradinaj
Bastiaan Martens

THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(4) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 87(6) and 92(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 14 December 2020, further to the confirmation of an indictment against Hysni Gucati and Nasim Haradinaj ("Mr Gucati" and, respectively, "Mr Haradinaj", and, collectively, the "Accused"),² the Pre-Trial Judge issued a decision setting, *inter alia*, the date for their initial appearances.³
2. On 15 December 2020, the Pre-Trial Judge rescheduled the initial appearance of Mr Haradinaj,⁴ further to a request from his Defence Counsel.⁵
3. On 16 December 2020, the Defence for Mr Gucati submitted a request seeking the postponement of Mr Gucati's initial appearance from 11:00 to 14:00 hours on Friday, 18 December 2020 ("*Gucati Request*"). Defence for Mr Gucati indicated that the postponement was requested to reduce travel and transit time.⁶ Defence for Mr Gucati further indicated that the Defence for Mr Haradinaj had agreed to bring forward the initial appearance of Mr Haradinaj, from 14:00 to 11:00 hours on Friday, 18 December 2020.⁷ In addition, the Defence for Mr Gucati requested that

¹ KSC-BC-2020-07, F00061, President, *Decision Assigning a Pre-Trial Judge*, 29 October 2020, public.

² KSC-BC-2020-07, F00074, Pre-Trial Judge, *Decision on the Confirmation of the Indictment*, 11 December 2020, strictly confidential and *ex parte*. The confirmed Indictment charges Mr Gucati and Mr Haradinaj with offences under Articles 387, 388, 392 and 401 of the Kosovo Criminal Code, Law No. 06/L-074, by virtue of Article 15(2) of the Law. F00075/A02, Specialist Prosecutor, *Redacted Indictment*, 14 December 2020, public.

³ KSC-BC-2020-07, F00076, Pre-Trial Judge, *Decision Setting the Date for the Initial Appearance and Related Matters*, 14 December 2020, public.

⁴ KSC-BC-2020-07, F00078, Pre-Trial Judge, *Decision Rescheduling the Date for the Initial Appearance of Mr Haradinaj*, 15 December 2020, public.

⁵ KSC-BC-2020-07, F00077, Defence for Mr Haradinaj, *Urgent Request to Postpone the Initial Appearance to December 18, 2020*, 14 December 2020 (filed on 15 December 2020), public, para. 4 (pp. 2-3).

⁶ KSC-BC-2020-07, F00079, Defence for Mr Gucati, *Request to Postpone the time of the Initial Appearance Hearing ("*Gucati Request*")*, 16 December 2020 (filing incorrectly dated as 15 December 2020), confidential, para. 4.

⁷ *Gucati Request*, para. 5.

Mr Gucati be brought to the premises of the Specialist Chambers two hours before his initial appearance, so that his Counsel and Co-Counsel can meet with him.⁸

4. On 17 December 2020, the Defence for Mr Haradinaj submitted a notice indicating agreement with the *Gucati* Request.⁹

II. DISPOSITION

5. In light of the aforementioned reasons, the Pre-Trial Judge hereby:

- a) **DECIDES** to reschedule the hearing on the initial appearance of Mr Haradinaj for **Friday, 18 December 2020, at 11:00 hours**;
- b) **DECIDES** to reschedule the hearing on the initial appearance of Mr Gucati for **Friday, 18 December 2020, at 14:00 hours**;
- c) **INVITES** the Defence for Mr Gucati to liaise with the competent units of the Registry in requesting the necessary arrangements for the transfer of Mr Gucati to the premises two hours before the hearing; and
- d) **REMINDS** the Defence for both Accused of the applicable provisions under Rule 82(4) of the Rules regarding classification of filings and **ORDERS** them to submit, by **Friday, 18 December 2020, 16:00 hours**, public redacted versions of their requests (F00079, F00080) or to indicate during the initial appearance whether they request their reclassification as public.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Thursday, 17 December 2020
At The Hague, the Netherlands.

⁸ *Gucati* Request, para. 6.

⁹ KSC-BC-2020-07, F00080, Defence for Mr Haradinaj, *Consent to Moving the Time of the Hearing of December 18, 2020*, confidential, para. 3.