



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-BC-2020-07/IA003

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 19 March 2021

Language: English

Classification: Confidential

Decision Assigning a Court of Appeals Panel

Judges of the Court of Appeals Panel:

Judge Michèle Picard

Judge Emilio Gatti

Judge Kai Ambos

Specialist Prosecutor's Office:

Jack Smith

Counsel for Hysni Gucati:

Jonathan Elystan Rees

Huw Bowden

Counsel for Nasim Haradinaj:

Toby Cadman

Carl Buckley

THE PRESIDENT of the Specialist Chambers (“President”), acting pursuant to Articles 33(1)(c) and 45(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office, Rules 97(3), 169 and 170 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“KSC”) and Rules 3 and 4 of the Rules on the Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Court of Appeals Panel to decide on interlocutory appeals by Mr Nasim Haradinaj and Mr Hysni Gucati against a decision¹ by the Pre-Trial Judge on their preliminary motions (“Appeals”).²

I. PROCEDURAL BACKGROUND

1. On 25 and 26 September 2020, Mr Gucati and Mr Haradinaj were arrested in Kosovo and transferred to the Detention Facilities of the KSC in The Hague, the Netherlands.³
2. On 11 December 2020, the Pre-Trial Judge confirmed the indictment against Mr Gucati and Mr Haradinaj, in part, and ordered, *inter alia*, the Specialist Prosecutor’s Office (“SPO”) to submit a “further revised indictment”, as confirmed.⁴
3. On 14 December 2020, the SPO submitted the confirmed indictment.⁵
4. On 8 March 2021, the Pre-Trial Judge dismissed in their entirety the preliminary motions filed by Mr Gucati and Mr Haradinaj wherein they alleged, *inter alia*, defects in the confirmed indictment.⁶
5. On 18 March 2021, Mr Haradinaj and Mr Gucati appealed the Impugned Decision.⁷

II. CLASSIFICATION

6. The Appeals and the Impugned Decision were filed confidentially and the present

¹ F00147, Decision on Defence Preliminary Motions, 8 March 2021 (confidential) (“Impugned Decision”), para. 74.

decision will bear the same classification in accordance with Rule 82(4) of the Rules, until it is reclassified in due course in accordance with Rule 3(4) of the Rules on Assignment.

III. ASSIGNMENT

7. Having considered the criteria set forth in Rule 4(2) of the Rules on Assignment, including relevant experience and expertise as well as availability at this time,

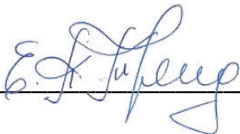
THE PRESIDENT HEREBY ASSIGNS:

Judge Michèle Picard

Judge Emilio Gatti

Judge Kai Ambos

to the Court of Appeals Panel to decide on the Appeals.



Judge Ekaterina Trendafilova,

President of the Specialist Chambers

Dated this Friday, 19 March 2021
At The Hague,
The Netherlands

² IA003/F00001, Appeal in Respect of the Decision on Defence Preliminary Motion, 17 March 2021 (confidential); IA003/F00002, Joinder re Appeal in Respect of the Decision on Defence Preliminary Motion Made by Nasim Haradinaj, 18 March 2021 (confidential).

³ See F00012, Decision on Request for Arrest Warrants and Transfer Orders, 24 September 2020.

⁴ F00074/RED, Public Redacted Version of Decision on the Confirmation of the Indictment, 11 December 2020, para. 155.

⁵ F00075, Submission of Confirmed Indictment with Strictly Confidential Annexes 1 and 2, 14 December 2020.

⁶ Impugned Decision, para. 74. See also F00113/RED, Public Redacted Version of the Defence for Mr Gucati, Preliminary Motion Alleging Defects in the Form of the Indictment Pursuant to Rule 97(1)(b), 3 February 2021; F00116, Preliminary Motion on the Issue of the Indictment being Defective, 4 February 2021 (confidential).

⁷ See generally Appeals.