



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: 23 March 2021

Language: English

Classification: **Public**

Order Setting the Date for the Third Status Conference

Specialist Prosecutor

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 39(13) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 95(2)(d) and 96(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 8 January 2021, the Pre-Trial Judge held the first status conference in this case.²

2. On 22 January 2021, the Pre-Trial Judge issued a framework decision on disclosure ("Framework Decision"), setting out, *inter alia*, time limits for the Specialist Prosecutor's Office ("SPO") to meet its disclosure obligations under the Rules.³

3. On 24 February 2021, the Pre-Trial Judge held the second status conference in this case ("Second Status Conference"), on the occasion of which the Parties submitted their views on upcoming procedural steps.⁴

4. On 8 March 2021, the Pre-Trial Judge issued a consolidated calendar for the remainder of the pre-trial proceedings, in which he recalled the outstanding time limits from the Framework Decision and other orders, set out further deadlines in order to facilitate Defence investigations and advance the next steps in the pre-

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

² KSC-BC-2020-07, F00089, Pre-Trial Judge, *Order Setting the Date for the Plea Hearing and the First Status Conference and on Related Matters*, 18 December 2020, public; Transcript, 8 January 2021, public.

³ KSC-BC-2020-07, F00104, Pre-Trial Judge, *Framework Decision on Disclosure of Evidence and Related Matters* ("Framework Decision"), 22 January 2021, public.

⁴ KSC-BC-2020-07, F00129, Pre-Trial Judge, *Order Setting the Date for the Second Status Conference and Related Matters*, 17 February 2021, public; Transcript, 24 February 2021, public.

trial proceedings and set a tentative date for the transmission of the case file (“Consolidated Calendar”).⁵

5. On 15 March 2021, further to the order of the Pre-Trial Judge,⁶ the Registrar filed written *ex parte* submissions providing up-to-date information on (i) the support provided by the Registry to persons traveling on official SC business into the Netherlands and Kosovo; and (ii) any steps the Registry’s Defence Office is in a position to take in order to identify investigators or otherwise connect Defence Counsel directly with professionals who can assist in their investigations.⁷

II. APPLICABLE LAW

6. Pursuant to Rule 95(2)(d) of the Rules, the Pre-Trial Judge shall hold any hearing necessary to ensure fair and expeditious proceedings.

7. Pursuant to Rule 96(1) of the Rules, the Pre-Trial Judge shall convene status conferences as deemed necessary in order to: (i) organise exchanges between the Parties to ensure expeditious preparation for trial; (ii) take steps to ensure that all necessary preparations are being conducted by the Parties in a timely and diligent fashion; and (iii) review the status of the case and allow the Parties the opportunity to raise issues in relation thereto.

III. DISCUSSION

8. In accordance with Rule 96(1) of the Rules and to ensure expeditious preparation for trial, the Pre-Trial Judge convenes a third status conference for Tuesday, 30 March

⁵ KSC-BC-2020-07, F00148, Pre-Trial Judge, *Consolidated Calendar for the Remainder of the Pre-Trial Proceedings* (“Consolidated Calendar”), 8 March 2021, public, para. 6(a)-(c).

⁶ Consolidated Calendar, para. 6(b)(i).

⁷ KSC-BC-2020-07, F00152, Registrar, *Registrar’s Submissions on Support and Assistance Regarding Travel and Investigations Provided to Defence Counsel*, 15 March 2021, confidential and *ex parte*.

2021, at 15:00 hours, to review the progress of disclosure, to receive an update on Defence investigations and to take further necessary steps in the preparation for trial.

9. The Pre-Trial Judge will ask the Parties for their updates, if any, on the outstanding issues addressed in the Framework Decision, the Second Status Conference and the Consolidated Calendar. Specifically and in addition, the Pre-Trial Judge will seek submissions on the following issues, in the sequence set out below:

(1) Disclosure:

- a. whether in light of the current stage of the SPO disclosure of evidentiary material, the Parties are facing or foresee any difficulties related to the remainder of the disclosure process; and
- b. submissions by the SPO in relation to each of the items requested by the Defence under Rule 102(3), as set out in para. 7(a)-(aa) of F00137, indicating whether the item has been disclosed to the Defence, and where that is not the case, the availability and disclosability of such item, also, where relevant, in light of decisions F00136 and F00141, pending requests (F00149, F00154 or F00155) and related disclosure of material;

(2) Defence investigations: whether the Defence is in a position to provide updates on the status of its investigations and approximately how much time it will need to finalise such investigative activities, taking in consideration the Registrar's aforementioned *ex parte* submissions;

10. Finally, the Parties will be asked to share their views on the date of the next status conference in this case.

11. The Parties are invited to file written submissions, if they so wish, by Friday, 26 March 2021, on any of the above matters, including any *ex parte* submissions in relation to the support to be provided by the Registry in Defence investigations.

IV. DISPOSITION

12. For the above-mentioned reasons, the Pre-Trial Judge hereby:

- a. **DECIDES** to convene a hearing in the presence of the SPO and the Defence, on **Tuesday, 30 March 2021, at 15:00 hours**;
- b. **ORDERS** the SPO and the Defence to file written submissions, if they so wish, by **Friday, 26 March 2021**, as set forth in paragraph 11.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 23 March 2021

At The Hague, the Netherlands.