

In: KSC-BC-2020-07

The Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: Court of Appeals Panel

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hysni Gucati

Date: 19th February 2021

Language: English

Classification: Public

Public Redacted Version of Defence reply to Prosecution Consolidated Response for Review of Detention

Specialist Prosecutor

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I. INTRODUCTION

1. On 24 December 2020, the Pre-Trial Judge rendered his Decision on Review of Detention of Hysni Gucati (the "Decision")¹. At paragraph 50 of the Decision, the Accused was directed to file submissions on whether reasons for his continued detention still exist by 1 February 2021.
2. On 2 February 2021, the Accused filed his "Submissions on the Second Review of Detention"².
3. On 12 February 2021, the SPO filed the "Prosecution consolidated response for review of detention" ("Response")³.
4. The Accused hereby replies to the Response, pursuant to rules 9 and 76 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), without prejudice to the submissions made in the Submissions on the Second Review of Detention and acknowledging that the Panel shall only consider a reply or parts thereof addressing new issues arising from the response.

II. SUBMISSIONS

5. At paragraph 9 of the Response the SPO, whilst acknowledging the willingness of the individual identified by the Defence to stand as guarantor for compliance by Mr Gucati with any conditions of release imposed on him, questioned the ability of the guarantor to so act.

¹ "Decision on Review of Detention of Hysni Gucati", KSC-BC-2020-07/F00093

² "Submissions on the Review of Detention of Hysni Gucati", KSC-BC-2020-07/F00112

³ "Prosecution consolidated response for review of detention", KSC-BC-2020-07/F00124

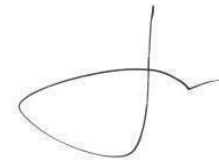
6. In Annex 1 hereto, the guarantor has set out the means through which he will be able to police compliance by Mr Gucati with any conditions imposed⁴.

7. Accordingly, it is repeated that the measure of a guarantor, together with the previously suggested conditions, adequately address any residual risk of obstructing the progress of proceedings or the commission of further offences.

III. CONCLUSION

8. The Pre-Trial Judge is requested accordingly to terminate Mr Gucati's detention, and release him with or without conditions.

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⁴ [REDACTED]