



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-BC-2020-07/IA004

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 6 April 2021

Language: English

Classification: Public

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 77(1), 97(3), 169 and 170(2) 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 following the decision by the Pre-Trial Judge to grant Mr Hysni Gucati and Mr Nasim Haradinaj leave to appeal the decision on their preliminary motions regarding defects in the confirmed indictment (“Decision Granting Leave to Appeal”).¹

I. PROCEDURAL BACKGROUND

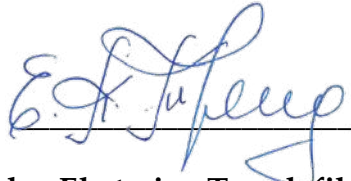
1. On 25 and 26 September 2020, Mr Gucati and Mr Haradinaj were arrested in Kosovo and transferred to the Detention Facilities of the KSC in The Hague, the Netherlands.²
2. On 11 December 2020, the Pre-Trial Judge confirmed the indictment against Mr Gucati and Mr Haradinaj, in part, and ordered, *inter alia*, the Specialist Prosecutor’s Office (“SPO”) to submit a “further revised indictment”, as confirmed.³
3. On 14 December 2020, the SPO submitted the confirmed indictment.⁴
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 (“Impugned Decision”).⁵
5. On 15 March 2021, Mr Haradinaj and Mr Gucati requested leave to appeal the Impugned Decision.⁶
6. On 1 April 2021, the Pre-Trial Judge issued the Decision Granting Leave to Appeal.⁷

II. 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**

the Court of Appeals Panel to decide on the appeals filed pursuant to the Decision Granting Leave to Appeal.



**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Tuesday, 6 April 2021
At The Hague,
The Netherlands

¹ F00169, Decision on the Defence Applications for Leave to Appeal the Decision on the Defence Preliminary Motions, 1 April 2021.

² See F00012, Decision on Request for Arrest Warrants and Transfer Orders, 24 September 2020.

³ F00074/RED, Public Redacted Version of Decision on the Confirmation of the Indictment, 11 December 2020, para. 155.

⁴ F00075, Submission of Confirmed Indictment with Strictly Confidential Annexes 1 and 2, 14 December 2020.

⁵ F00147, Decision on Defence Preliminary Motions, 8 March 2021, para. 74.

⁶ See F00151, Application for Leave to Appeal Through Certification from Decision KSC-BC-2020-07/F00147 Pursuant to Article 45(2) and Rule 77(1), 15 March 2021; F00153, Application for Leave to Appeal Through Certification from Decision KSC-BC-2020-07/F00147 Pursuant to Article 45(2) and Rule 77(1), 15 March 2021.

⁷ See Decision Granting Leave to Appeal.