



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA 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:** 7 June 2021

**Language:** English

**Classification:** Confidential

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**Order Varying Time Limits for Responses and Replies to F00216, F00217 & F00219**

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**Specialist Prosecutor**

Jack Smith

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**THE PRE-TRIAL JUDGE**,<sup>1</sup> pursuant to Article 39(13) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 9(5) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby issues this order.

## I. PROCEDURAL BACKGROUND

1. On 23 February 2021, the Pre-Trial Judge issued a decision on the non-disclosure of documents seized from the Kosovo Liberation Army War Veterans’ Association (“KLA WVA”) on 8, 17 and 22 September 2020 (collectively, “Three Batches”).<sup>2</sup>

2. On 26 May 2021, the Pre-Trial Judge issued a decision (“Decision F00210”) on, *inter alia*: (i) access to videos depicting the SPO’s search and seizure at the KLA WVA premises on 25 September 2020 (“Search and Seizure Videos”); (ii) the disclosure of contemporaneous notes in the SPO’s possession which refer to statements made by a witness or questions put to a witness (“Gucati Request A”); and (iii) the non-disclosure of any material relating to the origin, provenance and individuals purportedly making disclosure of the Three Batches (“Gucati Requests B-C”).<sup>3</sup>

3. On 3 June 2021, the Defence for Hysni Gucati (“Mr Gucati”) filed an application for leave to appeal or for reconsideration of Decision F00210, in relation to Gucati Requests B-C (“Gucati Application”).<sup>4</sup>

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

<sup>2</sup> KSC-BC-2020-07, F00141, Pre-Trial Judge, *Decision on Disclosure of Certain Documents Seized from the KLA War Veterans Association*, 23 February 2021, confidential.

<sup>3</sup> KSC-BC-2020-07, F00210, Pre-Trial Judge, *Application for Leave to Appeal through Certification from Decision KSC-BC-2020-07-F00210 pursuant to Article 45(2) and Rule 77(1); Alternative Request for Reconsideration under Rule 79(1)*, 3 June 2021, confidential.

<sup>4</sup> KSC-BC-2020-07, F00216, Defence for Mr Gucati, *Application for Leave to Appeal through Certification from Decision KSC-BC-2020-07-F00210 pursuant to Article 45(2) and Rule 77(1); Alternative Request for Reconsideration under Rule 79(1)*, 3 June 2021, confidential.

4. On 3 June 2021, the Defence for Mr Gucati requested clarification of Decision F00210 in relation to the Gucati Request A (“Gucati Request for Clarification”).<sup>5</sup>

5. On 3 June 2021, the Defence for Nasim Haradinaj (“Mr Haradinaj”) filed an application for leave to appeal Decision F00210, in relation to the Search and Seizure Videos and the Gucati Requests B-C, and joined the Gucati Defence’s aforementioned request for reconsideration (“Haradinaj Application”).<sup>6</sup>

## II. APPLICABLE LAW

6. Pursuant to Rule 9(5) of the Rules, the Pre-Trial Judge may *proprio motu* reduce any time limit prescribed by the Rules or set by the Panel.

7. Pursuant to Rule 76 of the Rules, any response to a motion shall be filed within ten (10) days of the motion and any reply to a response shall be filed within five (5) days of the response.

## III. DISCUSSION

8. Mindful of the current pre-trial calendar and the effect the aforementioned requests may have thereon, the Pre-Trial Judge finds it appropriate to reduce the time limits for responses and replies as provided in Rule 76 of the Rules.

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<sup>5</sup> KSC-BC-2020-07, F00217, Defence for Mr Gucati, *Motion for Clarification of Decision KSC-BC-2020-07-F00213*, 3 June 2021, confidential.

<sup>6</sup> KSC-BC-2020-07, F00219, Defence for Mr Haradinaj, *Application for Leave to Appeal the Decision on Prosecution Requests and Challenges Pursuant to F00172*, 3 June 2021, confidential.

#### IV. DISPOSITION

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

- a. **ORDERS** the SPO to respond, if it so wishes, by **Thursday, 10 June 2021**, to the Gucati Application, the Gucati Request for Clarification and the Haradinaj Application; and
- b. **ORDERS** the Defence to reply to, if it so wishes, to any SPO responses to the aforementioned requests, by **Monday, 14 June 2021**.



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**Judge Nicolas Guillou**

**Pre-Trial Judge**

Dated this Monday, 7 June 2021

At The Hague, the Netherlands.