



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: 15 June 2021

Language: English

Classification: **Confidential**

**Decision on the Defence Applications for Leave to Appeal
the Decision on the Gucati Requests B-C**

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THE PRE-TRIAL JUDGE,¹ pursuant to Article 45(2) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 77 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

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").²

2. On 26 May 2021, the Pre-Trial Judge issued a decision ("Impugned Decision") on, *inter alia*, the non-disclosure of any material held by the SPO which relates to (i) the origin and provenance of the material contained within the Three Batches, including material as to the authorship and chain of custody from creation to its arrival at the KLA WVA ("Gucati Request B"); and (ii) attempts made by the SPO to identify and trace the individual(s) making disclosure of the Three Batches to the KLA WVA ("Gucati Request C", collectively "Gucati Requests B-C").³

3. On 3 June 2021, the Defence for Hysni Gucati ("Mr Gucati") filed an application for leave to appeal or for reconsideration of the Impugned Decision, in relation to Gucati Requests B-C ("Gucati Application").⁴

4. On 3 June 2021, the Defence for Nasim Haradinaj ("Mr Haradinaj") filed an application for leave to appeal the Impugned Decision, in relation to, *inter alia*, the

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

² 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.

³ KSC-BC-2020-07, F00210, Pre-Trial Judge, *Decision on Prosecution Requests and Challenges Pursuant to F00172* ("Impugned Decision"), 26 May 2021, confidential.

⁴ 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)* ("Gucati Application"), 3 June 2021, confidential.

Gucati Requests B-C, and joined the Gucati Defence's aforementioned request for reconsideration.⁵

5. On 10 June 2021, the SPO filed a consolidated response to the applications of the Defence for Mr Gucati and the Defence for Mr Haradinaj (collectively, the "Defence").⁶

6. On 14 June 2021, the Defence filed their respective replies.⁷

II. SUBMISSIONS OF THE PARTIES

7. The Defence for Mr Gucati requests leave to appeal the Impugned Decision on the following issues:

- (a) Whether the Pre-Trial Judge erred in finding that the issue of the process through which alleged confidential material arrived to the KLA WVA premises was not relevant to the case ("Issue 1");⁸
- (b) Whether the Pre-Trial Judge erred in finding that the information and material requested in Gucati Requests B-C, which went to the issue of the process through which alleged confidential material arrived to the KLA WVA premises, was not relevant to the case ("Issue 2").⁹

⁵ KSC-BC-2020-07, F00219, Defence for Mr Haradinaj, *Application for Leave to Appeal the Decision on Prosecution Requests and Challenges Pursuant to F00172* ("Haradinaj Application"), 3 June 2021, confidential.

⁶ KSC-BC-2020-07, F00226, Specialist Prosecutor, *Consolidated Prosecution Response to Defence Applications F00216 and F00219 for Leave to Appeal and Reconsideration* ("SPO Response"), 10 June 2021, confidential.

⁷ KSC-BC-2020-07, F00230, Defence for Mr Gucati, *Reply to Consolidated Prosecution Response to Defence Applications F00216 and F00219 for Leave to Appeal and Reconsideration* ("Gucati Reply"), 14 June 2021, confidential; F00234, Defence for Mr Haradinaj, *Defence Reply to Prosecution Response to Defence Applications F00216 and F00219* ("Haradinaj Reply"), 14 June 2021, confidential.

⁸ Gucati Application, para. 3(i).

⁹ Gucati Application, para. 3(ii).

8. Alternatively, the Defence for Mr Gucati requests that the Pre-Trial Judge reconsider his decision in relation to the above issues (“Request for Reconsideration”).¹⁰

9. The Defence for Mr Haradinaj requests leave to appeal the Impugned Decision on, *inter alia*, the issue that the Pre-Trial Judge erred in applying the correct “relevance”, “materiality” and “scope of the case” standard (“Issue 3”).¹¹ The Defence for Mr Haradinaj joins the Request for Reconsideration.¹²

10. The SPO responds that the applications of the Defence should be dismissed as they were filed out of time and, in any event, rejected as they fail to meet the requirements for leave to appeal under Article 45 of the Law and Rule 77 of the Rules.¹³

11. The Defence respond to the SPO consolidated response in their respective replies and maintain their submissions.¹⁴ The Defence for Mr Haradinaj joins the submissions made by the Defence for Mr Gucati in its reply.¹⁵

III. APPLICABLE LAW

12. Pursuant to Article 45 of the Law, a Court of Appeals Panel shall hear interlocutory appeals from an accused or from the Specialist Prosecutor in accordance with the Law and the Rules. Interlocutory appeals, other than those that lie as of right, must be granted leave to appeal through certification by the Pre-Trial Judge or Trial Panel on the basis that they involve an issue which would significantly affect the fair

¹⁰ Gucati Application, para. 4.

¹¹ Haradinaj Application, para. 2(b). The Defence for Mr Haradinaj also seeks leave to appeal the Impugned Decision in relation to the non-disclosure to the Accused of certain search and seizure videos. *See* Haradinaj Application, para. 2(a). This application shall be dealt with in a separate decision.

¹² Haradinaj Application, paras 47-48.

¹³ SPO Response, para. 1.

¹⁴ Gucati Reply, paras 3-25; Haradinaj Reply, paras 17-46.

¹⁵ Haradinaj Reply, paras 17-18.

and expeditious conduct of the proceedings or the outcome of the trial and for which, in the opinion of the Pre-Trial Judge or Trial Panel, an immediate resolution by a Court of Appeals Panel may materially advance proceedings.

13. Rule 77(2) of the Rules further provides that the Panel shall grant certification if the decision involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, including, where appropriate remedies could not effectively be granted after the close of the case at trial, and for which an immediate resolution by the Court of Appeals Panel may materially advance the proceedings.

IV. DISCUSSION

A. TIMELINESS OF THE DEFENCE APPLICATIONS

14. As a preliminary matter, the Pre-Trial Judge notes that the Defence filed their applications outside the time limit provided by the Rule 77(1) of the Rules.¹⁶ The Defence submits that the cause of the delay has been the ongoing preparations for the fifth status conference, the review of recent disclosure and an official holiday observed in the United Kingdom.¹⁷ The Pre-Trial Judge emphasises that none of these reasons qualify, in the ordinary course of events, as good cause for extension of time limits. Moreover, such requests should typically be submitted prior to the expiry of said deadline and only exceptionally, where the delay is unexpected, together with the relevant submission. Nevertheless, the Pre-Trial Judge finds it appropriate to recognise these submissions as validly made, pursuant to Rule 9(5)(b) of the Rules.

¹⁶ The Impugned Decision was notified on 26 May 2021. Pursuant to Rule 77(1) of the Rules, a party seeking leave to appeal must request certification within seven days of the impugned decision. Pursuant to Rules 9 and 77 of the Rules, any application for leave to appeal the Impugned Decision should have been filed by 2 June 2021.

¹⁷ Gucati Application, fn. 3; Haradinaj Application, fn. 3; Gucati Reply, paras 3-4; Haradinaj Reply, paras 11-16.

This recognition is made on an exceptional basis so as not to deny the Defence the opportunity to request leave to appeal the Impugned Decision on the aforementioned issues.

B. LEGAL TEST

15. A right to appeal arises only if the Panel is of the opinion that the standard for certification set forth in Article 45(2) of the Law and Rule 77(2) of the Rules has been met.¹⁸ The Pre-Trial Judge recalls the interpretation of these provisions as set out in detail previously.¹⁹

16. Mindful of the restrictive nature of this remedy, the following specific requirements apply:

- (a) Whether the matter is an “appealable issue”;
- (b) Whether the issue at hand would significantly affect:
 - i. The fair and expeditious conduct of the proceedings, or
 - ii. The outcome of the trial; and
- (c) Whether, in the opinion of the Pre-Trial Judge, an immediate resolution by the Court of Appeals Panel may materially advance the proceedings.²⁰

¹⁸ See also KSC-BC-2020-06, F00172, Pre-Trial Judge, *Decision on the Thaçi Defence Application for Leave to Appeal* (“Thaçi Decision on Leave to Appeal”), 11 January 2021, public, para. 9. Similarly, ICC, *Situation in the Democratic Republic of the Congo*, ICC-01/04-168, [Judgment on the Prosecutor’s Application for Extraordinary Review of Pre-Trial Chamber I’s 31 March 2006 Decision Denying Leave to Appeal](#) (“ICC-01/04-168, Judgment on Extraordinary Review”), 13 July 2006, para. 20.

¹⁹ See KSC-2020-07, F00169, Pre-Trial Judge, *Decision on the Defence Applications for Leave to Appeal the Decision on the Defence Preliminary Motions*, 1 April 2021, public, paras 10-18.

²⁰ Thaçi Decision on Leave to Appeal, para. 10.

C. THE THREE ISSUES

17. The Defence for Mr Gucati submits that Issue 1 and Issue 2 constitute “appealable issues”, as they emanate from the Impugned Decision and do not amount to abstract questions or hypothetical concerns.²¹ The Defence for Mr Gucati further avers that Issue 1 and Issue 2 relate to the identifiable subject of disclosure and the issue of incitement, *i.e.* the process through which alleged confidential material arrived to the KLA WVA premises.²²

18. The Defence for Mr Haradinaj submits that Issue 3 constitutes an “appealable issue”, because it emanates from the Impugned Decision and does not amount to disagreements, or abstract questions or hypothetical concerns.²³ The Defence for Mr Haradinaj further avers that Issue 3 identifies a discrete topic of concern with the legal standards, their interpretation and application that goes to the very essence of the right of the Accused to be enabled to prepare their defence.²⁴

19. The SPO responds that Issue 1 does not emanate from the Impugned Decision, as it merely reiterates overly generic complaints on this topic that have been previously dismissed by the Pre-Trial Judge for lack of specificity.²⁵ The SPO further avers that the Defence for Mr Gucati merely challenges the entirety of the decision, re-proposing abstract questions or hypothetical concerns, and fails to identify a discrete topic emanating from the Impugned Decision.²⁶ The SPO also submits that Issue 2 does not specify the alleged errors that it seeks to appeal and that the applications misrepresent the Impugned Decision, attempting to manufacture appealable issues from a conclusion they simply disagree with.²⁷

²¹ Gucati Application, para. 13.

²² Gucati Application, para. 14.

²³ Haradinaj Application, para. 21.

²⁴ Haradinaj Application, para. 22.

²⁵ SPO Response, para. 4.

²⁶ SPO Response, para. 4.

²⁷ SPO Response, para. 5.

20. The Defence for Mr Gucati replies that Issue 1 and Issue 2 identify discrete topics emanating from paragraphs 61-64 of the Impugned Decision.²⁸ The Defence for Mr Haradinaj joins the submissions of the Defence for Mr Gucati and reiterates previously made arguments.²⁹

21. The Pre-Trial Judge notes at the outset that Issue 2 partly encompasses Issue 3, as the former raises the question of the relevance to the case of information and material requested by Gucati Requests B-C, while the latter raises questions either equivalent to relevance (*i.e.* the scope of the case) or dependent on it (*i.e.* materiality), in relation to the same requested information and material. Consequently, for reasons of judicial economy and to ensure more clarity which could assist the Court of Appeals Panel, the Pre-Trial Judge shall re-phrase Issue 2 as follows:

[w]hether the Pre-Trial Judge erred in finding that the information and material requested in Gucati Requests B-C, which went to the issue of the process through which alleged confidential material arrived to the KLA WVA premises, was not relevant to the case **and not material to the Defence preparation.**

22. In light of the foregoing, the Pre-Trial Judge shall further address only Issue 1 and Issue 2, as re-phrased (collectively, the “Two Issues”). The Pre-Trial Judge shall make reference to Issue 3 when referring to the argument of the Defence for Mr Haradinaj.

23. The Pre-Trial Judge considers that the Two Issues arise from the Impugned Decision as they contest the following specific findings therein: (i) that the process through which the information arrived to the KLA WVA premises does not fall under the scope of the charges against the Accused, as these are based on the alleged unlawful revelation of confidential information and witness data purportedly contained in the delivered material (Issue 1);³⁰ (ii) that the information and material

²⁸ Gucati Reply, paras 7-11.

²⁹ Haradinaj Reply, paras 17-26.

³⁰ Impugned Decision, para. 62.

requested by the Gucati Requests B-C fall squarely outside the scope of the present case, as the charges against the Accused pertain to their conduct following the receipt of alleged confidential information at the KLA WVA premises (Issue 2);³¹ and (iii) that the information and material sought by the Defence in the Gucati Requests B-C are not relevant to the case and are not material to the Defence preparation and, as such, are not subject to disclosure under Rule 102(3) of the Rules (Issue 2).³²

24. Furthermore, the Pre-Trial Judge considers that the Two Issues are not mere disagreements with the Impugned Decision, nor are they hypothetical or abstract questions. On the contrary, the Two Issues identify discrete topics regarding: (i) the scope of the case against the Accused and whether such scope can be altered by the Defence's allegations made to date about the SPO possibly having incited or entrapped the Accused ("Incitement Allegations");³³ and (ii) the extent to which the Incitement Allegations warrant the disclosure of any information and material sought by the Gucati Requests B-C, on the basis that such information and material is relevant to the case and material for the preparation of the Defence. Accordingly, the Two Issues identify discrete topics the resolution of which is essential for determination of the matters arising in the judicial cause under examination, *i.e.* the relevance and materiality of the information sought.

³¹ Impugned Decision, para. 62.

³² Impugned Decision, para. 64.

³³ See, for example KSC-BC-2020-07, F00100, Defence for Mr Gucati, *Defence Submissions for the First Status Conference*, 7 January 2021, public, para. 7; F00119, Defence for Mr Gucati, *Response to Prosecution Request for Non-Disclosure of Certain Information Pertaining to Contacts with Witnesses*, 10 February 2021, confidential, para. 22; F00122, Defence for Mr Gucati, *Response to Prosecution Submissions on the Disclosure of Certain Documents Seized from the KLA War Veterans Association*, 11 February 2021, confidential, paras 22-23 (p. 11); Transcript, 24 February 2021, public, p. 156; F00157, Defence for Mr Gucati, *Response to Prosecution Submissions on the Rule 102(3) Notice*, 18 March 2021, confidential, paras 30-31; Transcript, 30 April 2021, public, pp. 231, 233; F00199, Defence for Mr Gucati, *Response to Confidential Redacted Version of 'Prosecution Requests and Challenges Pursuant to KSC-BC-2020-07/F00172', KSC-BC-2020-07/F00190 Dated 26 April 2021*, 10 May 2021, confidential, paras 51-55; F00200, Defence for Mr Haradinaj, *Defence Response to SPO Confidential Redacted Version of 'Prosecution Requests and Challenges Pursuant to KSC-BC-2020-07/F00172', and F00190*, 10 May 2021, confidential, paras 67-70; F00211, Defence for Mr Haradinaj, *Defence Submissions for the Fifth Status Conference*, 26 May 2021, confidential, paras 33-39.

25. The Pre-Trial Judge accordingly finds that the Two Issues are appealable.

D. WHETHER THE ISSUES WOULD SIGNIFICANTLY AFFECT THE FAIR AND EXPEDITIOUS CONDUCT OF THE PROCEEDINGS OR THE OUTCOME OF THE TRIAL

26. The Defence for Mr Gucati submits that in order to advance a complaint of incitement during trial, appropriate disclosure must have taken place, so as to ensure the rights to adversarial proceedings and equality of arms.³⁴ The Defence for Mr Gucati further submits that appropriate and timely disclosure is both fair and necessary for the expeditious preparation of the case.³⁵

27. The Defence for Mr Haradinaj submits that Issue 3 forms part of central arguments and narratives at the heart of the Accused's alleged actions as well as their defences in this case.³⁶ The Defence for Mr Haradinaj further submits that the non-disclosure of the information and material sought by the Gucati Requests B-C prevents the Defence from effectively preparing an adequate defence that the Accused insist on as underlying conduct alleged by the SPO.³⁷

28. The SPO responds that the material sought is neither relied upon as evidence by the SPO nor is it potentially exculpatory for the Defence.³⁸ The SPO further avers that no allegation in the Indictment relates to any of the information covered by any of the Two Issues and that the Defence's disagreement with the Pre-Trial Judge's finding on the irrelevance of such material and information to the present case cannot be enough on its own to justifying granting leave to appeal.³⁹ The SPO submits that the Defence

³⁴ Gucati Application, paras 15-16.

³⁵ Gucati Application, para. 17.

³⁶ Haradinaj Application, para. 26.

³⁷ Haradinaj Application, paras 27-28.

³⁸ SPO Response, para. 11.

³⁹ SPO Response, paras 11-12.

fails to argue why these particular disclosure requests, disconnected as they are from the charges against the Accused, justify granting leave to appeal.⁴⁰

29. The Defence for Mr Gucati replies that the Gucati Application does not raise hypothetical propositions regarding any findings on whether the irrelevance of information under Rule 102(3) is appealable as of right and that it instead argues specifically why the Gucati Requests B-C justify the granting of an appeal.⁴¹ The Defence for Mr Haradinaj joins the submissions of the Defence for Mr Gucati and reiterates that the issues raised go to the very core of the case and the availability of incitement/entrapment as a substantive defence or grounds for excluding liability such as necessity.⁴²

30. The Pre-Trial Judge considers that the Two Issues, by contesting the aforementioned findings of the Impugned Decision regarding the relevance and materiality of the information sought, implicate questions as to the permissibility, the conditions for pleading and the judicial review of any incitement or entrapment complaint, as a substantive defence or as a ground for the exclusion of evidence in the present case. In this regard, the Pre-Trial Judge notes that the Incitement Allegations, as submitted to date, have been repeatedly characterised by the Defence as principal arguments of their respective cases.⁴³ Consequently, in light of the Accused's rights to prepare a defence and receive all relevant evidence, as provided in Article 21(4)(c) and (6) of the Law, the Pre-Trial Judge considers that the questions raised by the Two Issues concern the Accused's right to challenge the SPO's case and

⁴⁰ SPO Response, para. 12.

⁴¹ Gucati Application, paras 16-17.

⁴² Haradinaj Reply, para. 30.

⁴³ See, for example KSC-BC-2020-07, F00122, Defence for Mr Gucati, *Response to Prosecution Submissions on the Disclosure of Certain Documents Seized from the KLA War Veterans Association*, 11 February 2021, confidential, paras 22-23 (p. 11); Transcript, 30 April 2021, public, pp. 231, 233; F00200, Defence for Mr Haradinaj, *Defence Response to SPO Confidential Redacted Version of 'Prosecution Requests and Challenges Pursuant to KSC-BC-2020-07/F00172'*, and F00190, 10 May 2021, confidential, paras 67-70; F00211, Defence for Mr Haradinaj, *Defence Submissions for the Fifth Status Conference*, 26 May 2021, confidential, paras 33-39.

present their defence, guarantees which are at the core of and significantly affect fair and expeditious proceedings.

31. The Pre-Trial Judge accordingly finds that the Two Issues would significantly affect the fair and expeditious conduct of the proceedings.

E. WHETHER AN IMMEDIATE RESOLUTION BY THE APPEALS CHAMBER MAY MATERIALLY ADVANCE THE PROCEEDINGS

32. The Defence for Mr Gucati submits that timely disclosure is necessary for the expeditious preparation of the case for trial.⁴⁴ The Defence for Mr Gucati further avers that leave to appeal should be granted to permit the Court of Appeals Panel to consider whether the decision on disclosure in relation to the Gucati Requests B-C is in error, and, if so, to order disclosure at this stage.⁴⁵

33. The Defence for Mr Haradinaj submits that the Court of Appeals Panel ought to set out detailed and understandable tests, taking due account of the fact that most evidence and resources are in the hands of the SPO.⁴⁶ The Defence for Mr Haradinaj further avers that resolving Issue 3 would provide legal certainty as to the interpretation and application of legal standards on disclosure and such a determination could minimise subsequent delays and the diverting of resources during trial and appeal proceedings.⁴⁷

34. The SPO responds that interlocutory appeal in the current circumstances would only delay the imminent transfer of the case to the trial panel and the start of trial proceedings in this contempt case.⁴⁸ The SPO further avers that in the amount of time it would take to resolve an interlocutory appeal, the trial

⁴⁴ Gucati Application, para. 21.

⁴⁵ Gucati Application, para. 22.

⁴⁶ Haradinaj Application, para. 44.

⁴⁷ Haradinaj Application, para. 45.

⁴⁸ SPO Response, para. 15.

proceedings will have advanced considerably, as they are anticipated to be concluded in a relatively short period of time.⁴⁹ The SPO submits that, in these circumstances, the Defence will generally have an adequate and timely opportunity to raise procedural issues in the context of a final appeal.⁵⁰

35. The Defence for Mr Gucati replies that the Rules specifically recognise the importance of disclosure being resolved during the pre-trial phase and that the Pre-Trial Judge's responsibility under Rule 95(2) of the Rules to take steps to ensure timely disclosure ought to include certifying a decision on disclosure for appeal.⁵¹ The Defence for Mr Gucati further avers that the Gucati Requests B-C relate to the issue of the availability of incitement/entrapment as a substantive defence, as grounds for the exclusion of evidence or a stay of proceedings – matters which are fundamental to the outcome of the trial and which should be a matter of immediate resolution by the Court of Appeals Panel.⁵² The Defence for Mr Haradinaj replies that the SPO contention that this matter can be resolved at the final appeal stage fails to take account of the fact that the questions being asked at this stage will determine whether there is a proper basis for the trial to proceed.⁵³

36. The Pre-Trial Judge considers that matters regarding the relevance and materiality of the information sought and, by implication, the Accused's right to prepare a defence and receive evidence related to the Incitement Allegations, would benefit from an authoritative determination by the Court of Appeals Panel at the earliest opportunity in the proceedings for two reasons. First, such a determination would provide legal certainty as to the discrete topics regarding the scope of the present case, the extent to which the Incitement Allegations warrant the disclosure of any information and material sought as well as the relevance and

⁴⁹ SPO Response, para. 15.

⁵⁰ SPO Response, para. 15.

⁵¹ Gucati Reply, para. 18.

⁵² Gucati Reply, para. 22.

⁵³ Haradinaj Reply, para. 37.

materiality of information sought for the purposes of presenting an incitement or entrapment complaint. Secondly, such a determination could minimise subsequent delays and the diverting of resources during trial and appeal proceedings to address claims regarding disclosure and the presentation of the Defence case. While the determination of these matters by the Court of Appeals Panel does not affect the transmission of the case file to a future trial panel, the preparatory steps to be taken pursuant to Rules 116-118 of the Rules and the opening of the case pursuant to Rule 124 of the Rules will be impacted by the determination of the aforementioned matters.

37. The Pre-Trial Judge accordingly finds that an immediate resolution by the Court of Appeals Panel in relation to the Two Issues may materially advance the proceedings.

F. CONCLUSION

38. In light of the foregoing, the Pre-Trial Judge finds that the Two Issues would significantly affect the fair and expeditious conduct of the proceedings and an immediate resolution by the Court of Appeals in their regard may materially advance the proceedings. The Pre-Trial Judge accordingly certifies the Two Issues as listed in paragraphs 7(a) and 21.

39. In view of the certification of the Impugned Decision to the extent specified above, the Request for Reconsideration becomes moot, as the Defence requested it in the alternative to certification.

V. DISPOSITION

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

- a. **CERTIFIES** the Two Issues, as listed in paragraphs 7(a) and 21; and
- b. **DISMISSES** the Request for Reconsideration as moot.



Judge Nicolas Guillou
Pre-Trial Judge

Dated this Tuesday, 15 June 2021
At The Hague, the Netherlands.