



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-07  
**Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj**

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor

**Date:** 21 June 2021

**Language:** English

**Classification:** Public

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**Public Redacted Version of 'Notification of disclosure of revised declarations and related request', dated 7 May 2021**

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**Specialist Prosecutor's Office**

Jack Smith

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1. Pursuant to the Order,<sup>1</sup> the Specialist Prosecutor's Office ('SPO') has disclosed the revised Batch 1 Declaration.<sup>2</sup> In preparing this revised version, to facilitate the proceedings and accuracy of the record, W04841 conducted a full review of the Batch 1 Declaration. In doing so, W04841 identified minor, additional edits and corrections to limited discrete details, which generally do not affect substance. In order to ensure consistency across W04841's declarations, corresponding corrections were also made in the revised Batch 4 Declaration,<sup>3</sup> which has also been disclosed.<sup>4</sup> Accordingly, at this stage, the SPO requests that the Pre-Trial Judge consider the revised Batch 4 Declaration when deciding upon the Exhibit List Addition Request.<sup>5</sup>

2. On 19 March 2021, pursuant to an order of the Pre-Trial Judge,<sup>6</sup> the SPO disclosed a declaration of W04841, *inter alia*, summarising the contents of Batch 1 and Batch 2 ('Batch 1 Declaration').<sup>7</sup> The SPO subsequently added the Batch 1 Declaration to its Exhibit List.<sup>8</sup>

3. On 14 April 2021, pursuant to an order of the Pre-Trial Judge,<sup>9</sup> the SPO disclosed a declaration of W04841, *inter alia*, summarising the contents of Batch 4

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<sup>1</sup> Oral order for revised version of ERN 093492-093590 to be disclosed by 7 May 2021, Transcript of Hearing, 30 April 2021 ('Order').

<sup>2</sup> As defined in paras 2 and 5 below.

<sup>3</sup> As defined in paras 3 and 5 below.

<sup>4</sup> For both the revised Batch 1 Declaration and revised Batch 4 Declaration, an itemised list of changes will be provided to the Defence via email as soon as possible.

<sup>5</sup> Prosecution request to add items to the Exhibit List, 29 April 2021, KSC-BC-2020-07/F00195, Confidential ('Exhibit List Addition Request').

<sup>6</sup> Decision on Disclosure of Certain Documents Seized from the KLA War Veterans Association, KSC-BC-2020-07/F00141/CONF, 23 February 2021, Confidential, paras 39, 45, 47(b).

<sup>7</sup> Declaration of Investigator with five annexes, 093492-093590. 'Batch 1' refers to the documents seized by the SPO on 8 September 2020, as detailed in Prosecution report pursuant to decision KSC-BC-2018-01/F00121 with strictly confidential and *ex parte* Annex 1, KSC-BC-2020-07/F0008, 21 September 2020, Confidential. 'Batch 2' refers to the documents disclosed with ERN 079512-080448-RED.

<sup>8</sup> Annex 3 to Submission of Pre-Trial Brief, witness and exhibit lists, and Rule 109(c) chart, KSC-BC-2020-07/F00181/A03, 9 April 2021, Confidential ('Exhibit List') (item 361, with Albanian translation at item 360).

<sup>9</sup> Confidential Redacted Version of the Decision on the Non-Disclosure of Information Requested by the Defence, KSC-BC-2020-07/F00171/CONF/RED, 1 April 2021, Confidential, paras 23-24, 39.

(‘Batch 4 Declaration’).<sup>10</sup> This declaration noted which documents in Batch 4 are also in Batch 1 and, in the course of comparing the two batches, certain corrections to what was provided in the Batch 1 Declaration were identified.<sup>11</sup> The SPO has since requested to add the Batch 4 Declaration to its list of exhibits.<sup>12</sup>

4. On 30 April 2021, the Pre-Trial Judge issued the Order, requiring the SPO to prepare a revised version of the Batch 1 Declaration and disclose it.

5. As stated above, to comply with the Order, W04841 undertook a full review of the Batch 1 Declaration to identify any further corrections beyond those listed in the Batch 4 Declaration.<sup>13</sup> The revised Batch 1 Declaration<sup>14</sup> has been disclosed. Limited additional corrections to the Batch 1 Declaration have been made, meaning that the comparisons to Batch 1 in the Batch 4 Declaration also required adjustment. Accordingly, a revised version of the Batch 4 Declaration has also been disclosed.

6. The SPO requests that the Pre-Trial Judge rule on the addition of the Batch 4 Declaration as revised<sup>15</sup> when deciding the Exhibit List Addition Request. As soon as the Exhibit List Addition Request is resolved, the SPO will file an amended Exhibit List replacing the ERN of the Batch 1 Declaration with the ERN of its corrected version. Should the Exhibit List Addition Request be granted, the revised Batch 4 Declaration would be added to this amended list.

7. Pursuant to Rule 82(4), this request is confidential since it refers to filings bearing the same classification.

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<sup>10</sup> Declaration of Investigator with two annexes, 095162-095239. ‘Batch 4’ refers to confidential documents handed over by [REDACTED] to the SPO on 9 September 2020 (ERN 078570-079499).

<sup>11</sup> Declaration of Investigator with two annexes, 095162-095239, p.095163.

<sup>12</sup> Exhibit List Addition Request, KSC-BC-2020-07/F00195.

<sup>13</sup> As Batch 2 includes some of the documents included in Batch 1, corrections relating to such documents were reflected in the respective charts in the revised Batch 1 Declaration.

<sup>14</sup> ERN 095533-095602. A revised Albanian translation will be provided as soon as available.

<sup>15</sup> ERN 095603-095653. A revised Albanian translation will be provided as soon as available.

**Word count: 748**



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**Jack Smith**

**Specialist Prosecutor**

Monday, 21 June 2021

At The Hague, the Netherlands.