



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-BC-2020-07

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 15 July 2021

Language: English

Classification: Public

Decision Assigning Trial Panel II

Judges of Trial Panel II:

Judge Charles Smith III

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor (reserve)

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 25(2), 33(1)(b) and 40(1) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office, Rule 98(3) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules” and “KSC”, respectively), Article 22 of the Kosovo Criminal Procedure Code, Law No. 04/L-123 (“KCPC”), 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 constitutes Trial Panel II following the notification by the Pre-Trial Judge that a complete case file of the present case will be ready for transmission to a Trial Panel on 16 July 2021 (“Notification”).¹

I. PROCEDURAL BACKGROUND

1. On 25 and 26 September 2020, Mr Hysni Gucati and Mr Nasim 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 5 July 2021, the SPO submitted a corrected version of the indictment, in accordance with the findings by the Court of Appeals Panel and subsequent order of the Pre-Trial Judge of 23 June 2021.⁵

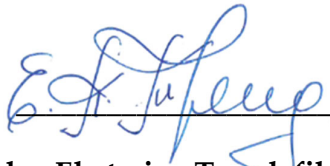
5. On 14 July 2021, the Pre-Trial Judge filed a notification in accordance with Rule 98(3) of the Rules that the complete case file in this case will be ready for transmission to a Trial Panel on 16 July 2021.⁶

II. ASSIGNMENT

6. Having considered the criteria set forth in Rule 4 of the Rules on Assignment, including relevant experience and expertise as well as availability at this time, and noting the seriousness of at least one of the crimes referenced in the Indictment, within the meaning of Article 25(2) of the Law and Article 22.1(76) of the KCPC,⁷

THE PRESIDENT HEREBY ASSIGNS:**Judge Charles Smith III****Judge Christoph Barthe****Judge Guénaél Mettraux****Judge Fergal Gaynor (reserve)**

to the present case as Trial Panel II upon transmission of the case file.

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

Dated this Thursday, 15 July 2021
At The Hague,
The Netherlands

¹ F00261, Notification Pursuant to Rule 98(3) of the Rules of Procedure and Evidence, 14 July 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 F00251/A02, Redacted Indictment, 5 July 2021 ("Indictment"). See also IA004/F00007, Decision on the Defence Appeals against Decision on Preliminary Motions, 23 June 2021; F00244, Order for the Submission of a Corrected Indictment and for a Second Revised Calendar for the Remainder of the Pre-Trial Proceedings, 23 June 2021.

⁶ See Notification.

⁷ See also Article 395 of the Kosovo Criminal Code, Law No. 04/L-082 adopted on 19 October 2012, amended on 14 January 2019 to Article 387 of the Kosovo Criminal Code, Law No. 06/L-074.