



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

**Before:** **Trial Panel II**  
Judge Charles L. Smith, III, Presiding Judge  
Judge Christoph Barthe  
Judge Guénaël Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor

**Date:** 27 September 2021

**Language:** English

**Classification:** Strictly confidential and *ex parte*

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**Transmission of Rule 151 request**

**with one strictly confidential and *ex parte* annex**

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**Specialist Prosecutor's Office**

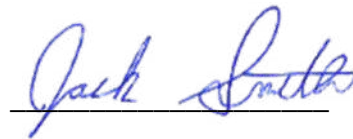
Jack Smith

**Other**

Arianit Koci

1. On 24 September 2021, Mr Arianit Koci – the lawyer who was permitted to attend W04866’s witness interview on the latter’s request - addressed the Specialist Prosecutor’s Office (‘SPO’) on behalf of W04866.<sup>1</sup> Mr Koci requested that he be assigned as counsel for the witness pursuant to Rule 151(6) of the Rules.<sup>2</sup>
2. The SPO maintains its position that there are no grounds to believe that W04866 is responsible for an offence within the jurisdiction of the KSC.<sup>3</sup> However, in light of this request and in the interest of facilitating W04866’s testimony, the SPO has no objection to W04866 being given self-incrimination assurances or assigned Mr Koci from the List of Counsel<sup>4</sup> for purposes of his upcoming testimony. W04866’s request is transmitted to the Trial Panel for its consideration.
3. This transmission and its annex are classified as strictly confidential and *ex parte* in accordance with Rule 151(3). On this occasion, the SPO has no objection to this transmission being reclassified as ‘confidential’.

**Word count: 202**



**Jack Smith**

**Specialist Prosecutor**

Monday, 27 September 2021

At The Hague, the Netherlands

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<sup>1</sup> Annex 1.

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 (‘Rules’). All references to ‘Rule’ or ‘Rules’ herein refer to the Rules, unless otherwise specified.

<sup>3</sup> Transcript, 8 September 2021, p.692.

<sup>4</sup> See Rule 25.