



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 Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 30 September 2021

Language: English

Classification: Public

Decision on Request for an Extension of Time to Serve Expert Evidence

Specialist Prosecutor

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TRIAL PANEL II ("Panel"), pursuant to Article 40(2) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 9(5) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 2 September 2021, further to the submissions of the Defence for Nasim Haradinaj ("Haradinaj Defence"), the Panel ordered the Haradinaj Defence to submit the expert report of its proposed expert witness – namely Witness 17 on the provisional lists of Defence witnesses – by 1 October 2021.¹

2. On 30 September 2021, the Haradinaj Defence filed a request seeking a two-week extension to serve the expert report of Witness 17 ("Request").² On the same day, the Defence for Hysni Gucati ("Gucati Defence") filed a joinder to the Request ("Joinder").³

II. SUBMISSIONS

3. The Haradinaj Defence requests two additional weeks to submit the expert report of Witness 17.⁴

¹ Oral Order Setting Deadline for Submissions of Defence Expert Report, 2 September 2021, p. 603, lines 13-16.

² F00339, Haradinaj Defence, *Request for an Extension of Time to Serve Expert Evidence* ("Request"), 30 September 2021.

³ F00340, Gucati Defence, *Joinder re Application for an Extension of Time to Serve Expert Evidence* KSC-BC-2020-07-F00339, 30 September 2021.

⁴ Request, paras 6, 12.



III. APPLICABLE LAW

4. Pursuant to Rule 9(5) of the Rules, the Panel may, upon showing of good cause, extend any time limit prescribed by the Panel.
5. Pursuant to Rule 9(6) of the Rules, unless otherwise ordered by a Panel, and where no prejudice is caused to the opposing Party, a motion for variation of time may be disposed of without giving the opposing Party, where applicable, the opportunity to be heard.

IV. DISCUSSION

6. The Panel considers that the unforeseen and compelling personal circumstances described in the Request involving Witness 17 warrant an extension of the set time-limit. The Panel further considers that the length of the requested extension is reasonable and does not unnecessarily delay the proceedings. The Panel accordingly finds that good cause has been shown, warranting the requested extension of time.
7. Furthermore, as the requested extension does not unnecessarily delay the proceedings and does not affect the presentation of the SPO case, the Panel considers that it can dispose of the Request without hearing from the SPO.
8. The Panel maintains its order for the SPO to file a notice in relation to the expert report for the purposes provided in Rule 149(2) of the Rules, within seven (7) days of disclosure of the expert report.⁵

V. CLASSIFICATION

9. The Panel notes that the Defence filed their submissions confidentially. The Panel orders the Haradinaj Defence to file a public redaction version of the Request,

⁵ Oral Order Setting Deadline for Submissions of Defence Expert Report, 2 September 2021, p. 603, lines 18-19.



removing personal information regarding Witness 17. The Panel further notes that the Joinder does not contain any confidential information and, for that reason, directs the Registrar to reclassify it as public.

VI. DISPOSITION

10. For these reasons, the Panel:

- a. **GRANTS** the Request;
- b. **ORDERS** the Haradinaj Defence to file, by **15 October 2021**, the expert report of Witness 17;
- c. **ORDERS** the SPO, pursuant to Rule 149(2) of the Rules, to file a notice in relation to the expert report, within seven (7) days of its disclosure;
- d. **ORDERS** the Haradinaj Defence to file, by **8 October 2021**, a public redacted version of the Request, in accordance with paragraph 9; and
- e. **DIRECTS** the Registrar to reclassify as public the Joinder (F00340) upon the filing of the public redacted version of the Request.

Judge Charles L. Smith, III
Presiding Judge

Dated this Thursday, 30 September 2021

At The Hague, the Netherlands