

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 Counsel for Nasim Haradinaj

Date: 30 September 2021

Language: English

Classification: Public

**Publicly Redacted Version of the Request for an Extension of Time to Serve
Expert Evidence**

Specialist Prosecutor

Jack Smith

Counsel for Nasim Haradinaj

Toby Cadman

Carl Buckley

Counsel for Hysni Gucati

Jonathan Elystan Rees QC

Huw Bowden

I. INTRODUCTION

1. On 2 September 2021 the Trial Panel ordered the Haradinaj Defence to submit the expert report of its proposed expert witness, namely Witness 17 on both the Gucati and the Haradinaj witness lists, by 1 October 2021.¹
2. The Defence for Mr. Haradinaj make an application to extend that deadline.

II. APPLICABLE LAW

3. Pursuant to Article 40(2) of the Law of the Specialist Chambers and Specialist Prosecutor's Office ("Law"),² the Panel may adopt such procedures and modalities as are necessary to facilitate fair and expeditious conduct of proceedings.
4. Pursuant to Rule 9(5) of the Rules of Procedure and Evidence before the Specialist Chambers ("Rule"),³ the Panel may, upon showing of good cause, extend any time limit prescribed by the Panel.

¹ KSC-BC-2020-07, Seventh oral order, Page 603 Line 12 to Page 603 to Line 20; Witness 17 on the Defence Provisional Witness Lists.

² Law on Specialist Chambers and Specialist Prosecutor's Office, 05/L-053, 3 August 2015 ('Law').

³ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

III. SUBMISSIONS

5. Pursuant to Rule 9(5)(a) of the Rules, the Defence seeks variation of the time limit to submit the expert report of its proposed witness, namely Witness 17.
6. Specifically, the Defence respectfully requests an additional two weeks to prepare and submit its expert report.
7. The instructed expert is unable to comply with the deadline imposed on account [REDACTED].
8. This unforeseen development has resulted in the Expert being [REDACTED].
9. The Defence concedes and apologises for the fact that this request is being submitted one day prior to the applicable deadline, however, it is a very recent development and given [REDACTED], it has not been possible to make this application at an earlier juncture.
10. Further, given the volume of documents to be considered and taken into account in the preparation of a report, it is evident that the report is not one that can be drafted quickly.
11. It is therefore respectfully submitted that good cause for the applied for extension has been demonstrated, and in any event, the proposed extension would not cause the Specialist Prosecutor's Office ("SPO") to be prejudiced having regard to the both the issues upon which the expert is being asked to

comment, and further, the envisaged timescale for the trial, it commencing on 7 and 8 October 2021 with the prosecution opening and the presentation of prosecution evidence on 18 October 2021.

IV. CONCLUSION

12. For the above reasons, the Defence respectfully invites the Trial Panel to find that good cause exists pursuant to Rule 9(5)(a) of the Rules for variation of the time limit set in the Seventh Oral Order, and to subsequently grant a two-week extension until 15 October 2021.

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