



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**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:** Fidelma Donlon

**Date:** 14 October 2021

**Language:** English

**Classification:** Confidential

---

**Order Varying the Time Limit to Respond to F00363**

---

**Specialist Prosecutor**

Jack Smith  
Matthew Halling  
Valeria Bolici  
James Pace

**Counsel for Hysni Gucati**

Jonathan Elystan Rees  
Huw Bowden

**Counsel for Nasim Haradinaj**

Toby Cadman  
Carl Buckley

**TRIAL PANEL II** (“Panel”), pursuant to Article 40(2) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 9(5)(a) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this order.

## **I. PROCEDURAL BACKGROUND**

1. On 2 September 2021, the Panel denied a request by the Specialist Prosecutor’s Office (“SPO”) for protective measures for two of its witnesses, W04841 and W04842 (“Witnesses”).<sup>1</sup> On 7 September 2021, the Panel provided written reasons for that decision.<sup>2</sup>
2. Six weeks later, on 13 October 2021, the Registry submitted a request for protective measures for the same two witnesses (“Request”).<sup>3</sup>

## **II. SUBMISSIONS**

3. WPSO requests the Panel to grant the following protective measures for the Witnesses: (a) identification of the Witnesses only by their assigned pseudonyms throughout the public proceedings; (b) redaction of the Witnesses’ names and identifying information from the Specialist Chambers’ public records; and (c) the giving of testimony through image and voice altering devices.<sup>4</sup>

---

<sup>1</sup> Oral Order on SPO Request for Protective Measures for Witnesses, Draft Transcript, 2 September 2021, p. 604, lines 3-7

<sup>2</sup> F00303, Panel, *Decision on the Prosecution Request for Protective Measures*, 7 September 2021.

<sup>3</sup> F00363, Witness Protection and Support Section, *WPSO’s Request for Protective Measures for Witnesses W04841 and W04842* (“Request”), 13 October 2021, strictly confidential and *ex parte*. See also F00363/CONFRED, confidential.

<sup>4</sup> Request, para. 18.

### III. APPLICABLE LAW

4. Pursuant to Rule 76 of the Rules, any response to a motion shall be filed within ten (10) days of the motion and any reply shall be filed within five (5) days of the response.
5. Pursuant to Rule 9(5)(a) of the Rules, the Panel may *proprio motu* reduce any time limit prescribed by the Rules.

### IV. DISCUSSION

6. In accordance with Rule 76 of the Rules, any response to the Request is due by 23 October 2021. Considering that 18 October 2021 is the date when the testimony of the first of the Witnesses is scheduled to start, the Panel finds it necessary to shorten the time for any response to 15 October 2021, in order to enable the Panel to render an informed decision prior to the commencement of testimony. For the same reason, the Panel will not entertain any replies.

### V. DISPOSITION

7. In light of the foregoing, the Panel:
  - a. **ORDERS** the SPO and the Defence to respond to the Request, if they so wish, by **15 October 2021, 13:00 hours**; and
  - b. **INFORMS** the Parties that no reply to the responses, if any, will be entertained.



**Judge Charles L. Smith, III**  
**Presiding Judge**

Dated this Thursday, 14 October 2021  
At The Hague, the Netherlands