



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 Guénaél Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filed by:** Dr Fidelma Donlon, Registrar

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**Public Redacted Version of**

**“WPSO’s Request for Protective Measures for Witnesses W04841 and W04842”,  
filing F00363 dated 13 October 2021**

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## I. INTRODUCTION

1. Pursuant to Article 23 of the Law<sup>1</sup> and Rule 80 of the Rules,<sup>2</sup> the Witness Protection and Support Office ('WPSO') hereby submits a request for protective measures in relation to witnesses W04841 and W04842, two staff members of the Specialist Prosecutor's Office ('SPO').
2. [REDACTED], WPSO received information that has been used to assess the risk to witnesses [REDACTED]. [REDACTED], WPSO assesses [REDACTED] increased risk if protective measures are not [REDACTED] in place for W04841 and W04842.
3. In light of its responsibilities under Rule 27(1) of the Rules, WPSO now submits its assessment of the potential risks [REDACTED] and requests protective measures for W04841 and W04842 that are strictly necessary [REDACTED].

## II. PROCEDURAL HISTORY

4. On 23 August 2021, the SPO requested the Trial Panel to grant certain protective measures in respect of W04841 and W04842 (together, 'Witnesses') to safeguard the effectiveness of SPO investigations, as well as the safety of the Witnesses [REDACTED].<sup>3</sup> More specifically, the SPO requested the Panel to assign the Witnesses pseudonyms throughout all public proceedings and to redact their names and identifying information from the Specialist Chambers' ('SC') public records. This request for protective measures was denied.<sup>4</sup>

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<sup>1</sup> Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

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

<sup>3</sup> KSC-BC-2020-07, F00282, Specialist Prosecutor, Prosecution Request for Protective Measures, 23 August 2021.

<sup>4</sup> KSC-BC-2020-07, F00303, Decision on the Prosecution Request for Protective Measures, 7 September 2021, para. 23, public; *see also* Oral Order on SPO Request for protective measures for witnesses, Transcript, 3 September 2021, p. 604 l:2 – p. 604 l:7.

### III. SUBMISSIONS

#### W04841

5. [REDACTED], WPSO received new information [REDACTED], which justifies the present request for protective measures in relation to W04841.
6. [REDACTED].<sup>5</sup> [REDACTED]. [REDACTED]. [REDACTED].
7. WPSO assesses that if W04841 testifies without protective measures, this would increase the risk [REDACTED].

#### W04842

8. [REDACTED], WPSO received new information [REDACTED], which justifies the present request for protective measures in relation to W04842.

[REDACTED]

9. [REDACTED].<sup>6</sup> [REDACTED].<sup>7</sup>
10. [REDACTED]. [REDACTED]. [REDACTED].
11. [REDACTED]. [REDACTED]. Therefore, WPSO considers that there is a strong likelihood that W04842 [REDACTED].
12. As a result, if W04842 testifies without protective measures, WPSO assesses that this would increase the risk [REDACTED]. [REDACTED].

[REDACTED]

13. [REDACTED].<sup>8</sup> [REDACTED].<sup>9</sup>
14. [REDACTED]. [REDACTED]. [REDACTED].
15. [REDACTED]. [REDACTED].

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<sup>5</sup> [REDACTED].

<sup>6</sup> [REDACTED].

<sup>7</sup> *Id.*, para. 132(q).

<sup>8</sup> [REDACTED].

<sup>9</sup> [REDACTED].

16. As a result, WPSO assesses that if W04842 testifies without protective measures, this would increase the risk [REDACTED].

#### IV. RELIEF REQUESTED

17. For the foregoing reasons, pursuant to Rule 80(5) of the Rules, WPSO requests the Panel to grant the following protective measures for W04841 and W04842:

- 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 SC's public records; and
- c. the giving of testimony through image and voice altering devices.

18. WPSO recognises that the names of the Witnesses have already been released in the public domain, but considers that the assessed risk can be substantially mitigated by reclassification and redaction of this information going forward.<sup>10</sup>

#### V. CLASSIFICATION

19. Pursuant to Rules 80(3) of the Rules, this submission is filed as strictly confidential and *ex parte*. A confidential redacted version will be submitted shortly.

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**Dr Fidelma Donlon**

**Registrar**

Wednesday, 20 October 2021

At The Hague, the Netherlands

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<sup>10</sup> Specifically, with regard to F00347/A01, if protective measures are granted, WPSO respectfully requests that the filing be reclassified as confidential and a public redacted version thereof be submitted.