

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

Filing Participant: Specialist Counsel for Hysni Gucati

Date: 7 December 2021

Language: English

Classification: Public

Application for Leave to Add Five Exhibits to the Rule 119(2)(b) List of Exhibits

Specialist Prosecutor

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I. INTRODUCTION

1. On 29 November 2021, the Defence for Mr Gucati filed its List of Exhibits pursuant to Rule 119(2)(b) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (the “Rules”).¹
2. Paragraph 18 of the Annex to the Order of the Conduct of Proceedings (the “Order on the Conduct of Proceedings”)² states that a party must seek leave of the Trial Panel to add exhibits to its Rule 119(2)(b) list. Rule 119(5) of the Rules, states that the Panel may permit, upon timely notice and a showing of good cause, the amendment of the lists of exhibits filed pursuant to paragraph (2) of the same Rule.
3. The Defence on behalf of Mr Gucati hereby makes a request to add the following exhibits to its Rule 119(2)(b) list (the “Request”):
 - ERN 089049-089053
 - ERN 089647-089650
 - ERN 088935-TR-ET Part 1
 - ERN DHG0493
 - Video footage of Lightning Strike 2 (ERN to be confirmed)

II. SUBMISSIONS

4. The Request should be granted for the following reasons:
 - (i) the exhibits are short;

¹ *Defence Submission of List of Anticipated Witnesses with Annex 1 and Annex 2*, KSC-BC-2020-07/F00460, 30 November 2021

² *Annex to the Order of the Conduct of Proceedings*, KSC-BC-2020-07/F00314, Trial Panel II, 17 September 2021

- (ii) notice has previously been given in the Defence Pre-Trial Brief and in cross examination of Prosecution Witnesses; and
- (iii) there will be no prejudice to the Prosecution at this stage.

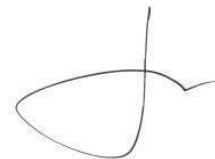
III. CONCLUSION

- 5. For the reasons set out above, the Defence respectfully requests leave to add the exhibits to its List of Exhibits.

IV. CLASSIFICATION

- 6. This filing is classified as public.

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