

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 Nasim Haradinaj

Date: 10 December 2021

Language: English

Classification: Public

**Updated List of Exhibits and Application for Leave to Add Exhibits Pursuant to
Rule 119(2)(b)**

Specialist Prosecutor

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Carl Buckley

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Counsel for Hysni Gucati

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Huw Bowden

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I. INTRODUCTION

1. On 02 December 2021, the Defence for Mr. Haradinaj 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. On 02 December, The Panel ordered both Defence to file an updated exhibit list conforming to paragraph 60(e) on the Order on Conduct of Proceedings

¹ *Defence Submission of List of Anticipated Witnesses with Annex 1 and Annex 2*, KSC-BC-2020-07/F00469, 2 December 2021.

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

by Monday 6 December 2021, at 16:00. This was without prejudice to the Haradinaj Defence which filed its exhibit list on 02 December.

4. On 08 December, The Panel granted an extension and ordered the Haradinaj defence to file their updated exhibit list by Friday 10 December 2021.
5. Pursuant to the extension Ordered on 02 December, the Defence on behalf of Mr. Haradinaj, seeks to file an updated exhibit list, makes a request to add the exhibits listed in the attached Annex, to its Rule 119(2)(b) list (the “Request”) – and seeks to rely on the additional exhibits.

II. SUBMISSIONS

6. The Request should be granted for the following reasons:
 - (i) The additional exhibits are authorities or extracts referred to within the Expert Report of DW1252 (Ms. Anna Myers) and will ensure that the panel and parties have all necessary exhibits for when SW1252 gives her testimony.

- (j) There will be no prejudice to the Prosecution at this stage as these references were already known and included in the Expert Report of DW1252.³

III. CONCLUSION

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

IV. CLASSIFICATION

8. This filing is classified as public.

Word Count: 261



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³ KSC-BC-2020-07/F00376.