

**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:** 15 December 2021

**Language:** English

**Classification:** Public

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**Defence Submissions on Proposed SPO Redactions to Exhibits**

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**Specialist Prosecutor**

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## I. INTRODUCTION

1. At the trial hearing on 15 December 2021, the Trial Panel invited the Defence to indicate in a filing by 4pm CET whether there is any objection to the proposed redactions submitted by the SPO in filing F00445.<sup>1</sup>

## II. SUBMISSIONS

2. The Defence for Mr. Haradinaj wishes to make the following objections.
3. For ease of reference, the Defence refers to page numbers in the 1,081-page-long Annex 1 to F00445 in order to respond to proposed redactions before the 4pm deadline.
4. The Defence for Mr. Haradinaj notes that pages 1-938 of Annex 1 are public decisions of Kosovan courts. The Defence recognises the Trial Panel's general orders on confidentiality during these trial proceedings in respect of identifying information, including names of publicly known persons and publicly available documents.<sup>2</sup> However, the Defence feels obliged to repeat its objection to the approach taken, that public names and information mentioned in these court documents have been ordered and are proposed to be redacted.
5. The same objection is maintained in respect of publicly known names of Serbian officials, known war criminals including criminals on the Interpol red list which the SPO cooperates with, as well as references to press articles published online and still

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<sup>1</sup> KSC-BC-2020-07, Provisional Hearing Transcript, 15 December 2021, p. 26. *See also* KSC-BC-2020-07/F00445.

<sup>2</sup> *See, e.g.*, KSC-BC-2020-07/F00427.

available online (see pages 939ff). Maintaining that these names and references to press articles ought to be redacted although the SPO has made no effort to remove them from the public's sight is completely illogical.

6. Finally, in respect of the Annexes to Ms Pumper's various Declarations, the Defence maintains the same objections in respect of publicly known information including information that was published in news outlets and which remains, to this date, publicly available. Further, the Defence objects to the SPO's proposed redactions of six of the nine columns in Ms Pumper's Annexes. In particular, no reason is given for the proposed redactions of columns 4, 5, 7 and 9 or the redaction of the meaning of the abbreviations SUP and OUP (page 1015).

### III. CONCLUSION

7. For the above reasons, the Defence maintains its objections to the proposed redactions of the SPO. The Defence invites the Panel to review, in particular, the proposed redactions in the Annexes to Ms Pumper's Declarations.

Word Count: 458 words



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