

In: KSC-BC-2020-07

The Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: Trial Panel II

Judge Charles Smith III

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Nasim Haradinaj

Date: 23 December 2021

Language: English

Classification: Confidential

Application to Call a Witness via Video Link

Specialist Prosecutor

Jack Smith

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I. INTRODUCTION

1. In accordance with the Order on the Conduct of the Proceedings (the "Order")¹, Rule 144 of the Rules of Procedure and Evidence, and Registry Practice Direction KSC-BD-23, the Defence for Mr Haradinaj hereby submits a request that testimony be received via video-link for one of its witnesses (the "Application").

II. SUBMISSIONS

2. The Defence appreciates that should it call any witnesses and they wish to give evidence via video-link, the Registry would need adequate time to prepare and organise the video link.
3. On that basis the Defence has considered its position and notifies the Trial Panel and the Registry that it will call one witness, DW1252, who will give evidence via video link.
4. The Order states at paragraph 57:

"The presenting Party shall provide the Registrar and the Panel with the information required by the Registry Practice Direction (the "Practice Direction") on Video Links (KSC-BD-23/COR)"

5. The Defence hereby provides the corresponding information:
 - (a) the envisaged date or date-range:

¹ KSC-BC-2020-07/F00314/A01, Trial Panel II, Annex to Order on the Conduct of Proceedings, 17 September 2021, Public.

Estimated 24 or 31 January 2022

(b) the expected duration:

up to 2 hours (for direct examination)

(c) the country details:

Glasgow, Scotland, UK

(d) whether protective measures have been ordered, requested or will be requested under Rule 80 of the Rules in relation to a witness due to testify via Video Link, and whether such witness has any special needs (e.g. health issues, presence of a support person near or in the Transmission Room):

- protective measures are not required. The witness will not require additional support

(e) the language of the witness:

English

(f) any other information that may facilitate the preparation of the Video Link

N/A

6. The Defence has already provided the information required under Rule 119(2) which includes the list of witnesses and the means through which they will give evidence at the appropriate stage of the proceedings.

I. CONCLUSION

7. The Defence respectfully requests that the Application for use of video link is granted.

Word count: 439 words



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