



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA 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: Fidelma Donlon

Date: 17 January 2022

Language: English

Classification: Public

Order Varying Time Limit to Respond to F00517 and F00520

Specialist Prosecutor

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TRIAL PANEL II (“Panel”), pursuant to Article 40(2) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 9(5)(a) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 12 January 2022, the Specialist Prosecutor’s Office (“SPO”) added one item (“Item 203”) to its Rule 102(3) notice (“F00517”).¹ The SPO also stated its challenges to the disclosure of Item 203 to the Defence.

2. On 14 January 2022, the Panel ordered the Defence to respond to F00517 by 20 January 2022 and informed the Parties that no replies will be entertained.²

3. On 14 January 2022, the SPO added an additional item (“Item 204”) to its Rule 102(3) notice (“F00520”).³ The SPO again states its challenges to the disclosure of Item 204 to the Defence.

II. APPLICABLE LAW

4. Pursuant to Rule 76 of the Rules, any response to a motion shall be filed within ten (10) days of the motion and any reply shall be filed within five (5) days of the response.

5. Pursuant to Rule 9(5)(a) of the Rules, the Panel may *proprio motu* reduce any time limit prescribed by the Rules.

¹ F00517, Specialist Prosecutor, *Prosecution Notice of Additional Item and Challenge to Disclosure* (“F00517”), 12 January 2022, confidential, with one annex (“Item 203”), strictly confidential and *ex parte*.

² *Oral Order on Shortened Deadlines*, Draft Transcript, 14 January 2022, p. 3038.

³ F00520, Specialist Prosecutor, *Prosecution Notice of Additional Item 204 and Challenge to Disclosure* (“F00520”), 14 January 2022, confidential, with one annex (“Item 204”), strictly confidential and *ex parte*.

III. DISCUSSION

6. The Panel notes that F00520 concerns only one item and that the SPO arguments challenging its disclosure are put forward in a concise manner. The Panel also notes that Item 204 is closely related to Item 203 and that the submissions made in F00520 resemble those advanced in F00517.

7. For these reasons, the Panel finds it appropriate to vary the initial deadline set for any responses to F00517 and reduce the time limit for any responses to F00520. The Defence is accordingly ordered to respond to both filings, F00517 and F00520, by 21 January 2022, 16:00 hours. For the same reasons, the Panel will not entertain any replies.

IV. DISPOSITION

8. For these reasons, the Panel:

- a. **ORDERS** the Defence to respond to F00517 and F00520, if they so wish, by **21 January 2022, 16:00 hours**; and
- b. **INFORMS** the SPO that no reply to the responses, if any, will be entertained.



Judge Charles L. Smith, III
Presiding Judge

Dated this Monday, 17 November 2022

At The Hague, the Netherlands