

In: KSC-BC-2020-07

The Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: The Trial Panel

Judge Charles Smith III

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hysni Gucati

Date: 17 January 2022

Language: English

Classification: Public

Public Redacted Version of Application to Call Witnesses via Video Link

Specialist Prosecutor

Jack Smith

Counsel for Hysni Gucati

Jonathan Elystan Rees QC

Huw Bowden

Eleanor Stephenson

Counsel for Nasim Haradinaj

Toby Cadman

Carl Buckley

I. SUBMISSIONS

1. In accordance with the Order on the Conduct of the Proceedings (the “Order”), Rule 144 of the Rules of Procedure and Evidence, and Registry Practice Direction KSC-BD-23, the Defence for Mr Gucati hereby submits a request that testimony be provided via video-link for at least two of its witnesses (the “Application”).
2. Pursuant to Rule 119(1) the Defence are entitled to wait until a decision pursuant to Rule 130 before deciding whether a Defence case will be presented. The Defence has not decided which witnesses, if any, it will call. However, the Defence appreciates that in the event that it does call witnesses, and they request to give their evidence via video-link, the Registry will need adequate time to organise the video link facility.
3. On that basis, the Defence has considered its position and notifies the Trial Panel and the Registry that there may be two witnesses that if called would 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:

Estimated 6-10 or 16-17 December.

The witnesses might be required to give evidence on any of these days.

(b) the expected duration:

Witness 1 - up to 0.5 days (for direct examination)

Witness 2 – up to 0.5 days (for direct examination)

(c) the country details:

Witness 1 - Pristina, Kosovo

Witness 2 – Queensland, Australia

(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. [REDACTED]

(e) the language of the witness:

Witness 1 - Albanian

Witness 2 - English

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

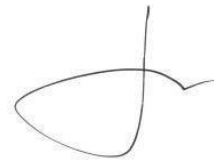
None at this time

6. The Defence will provide 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.

II. CONCLUSION

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

Word count: 419 words



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15 November 2021

Cardiff, UK