



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: 25 January 2022

Language: English

Classification: Public

Order Varying Time Limit to Respond to F00531

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 17 December 2021, the Panel ordered the Specialist Prosecutor’s Office (“SPO”) to file further submissions regarding the redactions proposed to the public version of P00104.¹
2. On 24 January 2022, the SPO filed further submissions on the aforementioned proposed redactions (“Further Submissions”).²

II. APPLICABLE LAW

3. 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.
4. Pursuant to Rule 9(5)(a) of the Rules, the Panel may *proprio motu* reduce any time limit prescribed by the Rules.

III. DISCUSSION

5. The Panel notes that the Defence has already responded to the SPO’s initial submissions on proposed redactions for P00104.³ The Panel also observes that the Further Submissions contain clarifying information that the Panel requested and that

¹ F00503, Panel, *Decision on Proposed Redactions of Certain Admitted Exhibits*, 17 December 2021, paras 18, 22(c).

² F00531, Specialist Prosecutor, *Further Submissions on Public Redacted Version of P00104*, 24 January 2022, with Annexes 1-3, public and Annex 4, confidential.

³ F00497, Haradinaj Defence, *Defence Submissions on Proposed SPO Redactions to Exhibit*, 15 December 2021; F00498, Gucati Defence, *Response to SPO Submission of Amended Proposed Public Redacted Version of P00104*, 15 December 2021.

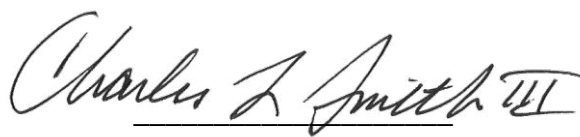
the proposed redactions remain the same save for those proposed in relation to pages 628-636 of P00104. The Panel therefore considers that an informed response to the Further Submissions does not require the full time-limit set out in Rule 76 of the Rules. Furthermore, taking into consideration the nature of the matter and the advanced stage of the trial proceedings, the Panel is satisfied that a reduction of the aforementioned time-limit does not interfere with the Accused's rights.

6. For these reasons, the Panel finds it appropriate to reduce the time limit for any responses to F00531. The Defence is accordingly ordered to respond to F00531 by 28 January 2022, 16:00 hours. For the same reasons, the Panel will not entertain any replies.

IV. DISPOSITION

7. For these reasons, the Panel:

- a. **ORDERS** the Defence to respond to F00531, if they so wish, by **28 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 Tuesday, 25 January 2022

At The Hague, the Netherlands