



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: 26 January 2022

Language: English

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Order Varying Time Limit to Respond to F00534

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 25 January 2022, the Specialist Prosecutor’s Office (“SPO”) added an item (“Item 205”) to its Rule 102(3) notice and stated its challenge to its disclosure to the Defence (“F00534”).¹

II. APPLICABLE LAW

2. 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.

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

III. DISCUSSION

4. The Panel recalls that the SPO recently added Items 203 and 204 to its Rule 102(3) notice and stated its challenges to their disclosure to the Defence (“F00517” and “F00520”).²

5. The Panel further recalls that, due to the similarities of the challenges raised in F00517 and F00520 and the connection between Items 203 and 204, it varied the time

¹ F00534, Specialist Prosecutor, *Prosecution Notice of Additional Item 205 and Challenge to Disclosure* (“F00534”), 24 January 2022, confidential, with one annex (“Item 205”), strictly confidential and *ex parte*.

² 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*; 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*.

for the Defence to respond to the challenges raised in F00517 and F00520 to 21 January 2021,³ with which the Defence complied.⁴

6. In the same vein, the Panel observes that: (i) the challenges raised by the SPO in F00534 are similar to the ones it raised in F00517 and F00520; (ii) Item 205 is closely connected to Items 203 and 204; and (iii) the Panel has already decided on Items 203 and 204.⁵

7. The Panel therefore considers that an informed response to F00534 does not require the full time-limit set out in Rule 76 of the Rules. Furthermore, taking into consideration 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.

8. For these reasons, the Panel finds it appropriate to reduce the time limit for any responses to F00534. The Panel accordingly orders the Defence to respond to F00534, if they so wish, by 28 January 2022, 16:00 hours.

9. For the same reasons, the Panel will not entertain any replies.

³ F00522, Panel, *Order Varying Time Limit to Respond to F00517 and F00520*, 17 January 2022.

⁴ F00526, Haradinaj Defence, *Defence Response to Prosecution Filings F00517 and F00520*, 20 January 2022, confidential; F00528, Guçati Defence, *Defence Response to Prosecution Challenges to Disclosure of Items 203 and 204 (Filings F00517 and F00520)*, 21 January 2022, confidential.

⁵ F00533, Panel, *Decision on the SPO Request Regarding Items 203 and 204*, 21 January 2022, confidential.

IV. DISPOSITION

10. For these reasons, the Panel:

- a. **ORDERS** the Defence to respond to F00534, 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.

A handwritten signature in black ink, reading "Charles L. Smith, III". The signature is written in a cursive style and is positioned above a horizontal line.

Judge Charles L. Smith, III
Presiding Judge

Dated this Wednesday, 26 January 2022

At The Hague, the Netherlands