

**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 Guenael Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Counsel for Nasim Haradinaj

**Date:** 31 January 2022

**Language:** English

**Classification:** **Confidential**

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**Defence Application for Leave to Appeal through Certification from Decision KSC-BC-  
2020-07/F00541**

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## I. INTRODUCTION

1. On 28 January 2022, the Trial Panel issued its 'Decision on the SPO Request Regarding Item 205'<sup>1</sup> and per paragraph 22 of that decision "*the Panel Grants the SPO's request and decides that Item 205 shall not be disclosed to the Defence*".
2. On 31 January 2022, the Gucati Defence made oral submissions seeking leave to appeal.<sup>2</sup>
3. Further on 31 January 2022, the Haradinaj Defence 'joined' the oral submissions seeking leave to appeal.<sup>3</sup>

## II. SUBMISSIONS

4. The Defence for Mr. Haradinaj does not seek to make any further submissions over and above that which was already outlined orally before the Trial Panel on 31 January 2022.
5. The Haradinaj Defence makes this submission to simply reaffirm and formalise the oral position in that:
  - a. It seeks certification granting leave to appeal the aforesaid decision;

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<sup>1</sup> KSC-BC-2020-07/F00541

<sup>2</sup> Provisional Transcript of 31 January 2022, at page 4

<sup>3</sup> *Ibid* at page 7 line 17

- b. The basis of that application for certification was outlined by the Gucati Defence in oral submissions; and
- c. The Haradinaj Defence adopts, and supports, without reservation, the position as advanced by the Gucati Defence.

Word Count: 275 words



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