

**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:** Dr Fidelma Donlon

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

**Date:** 31 January 2022

**Language:** English

**Classification:** **Public**

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**Haradinaj Defence Application for Reclassification of F00500**

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## I. INTRODUCTION

1. The Haradinaj Defence hereby submits an application under Rule 82 (5) of the Rules of Procedure and Evidence for the reclassification of its *Defence Submission for Detention Review* of 16 December 2021<sup>1</sup> from confidential to public.
2. On 21 December 2021, the Trial Panel issued its *Decision on Review of Detention of Nasim Haradinaj*<sup>2</sup> which ordered the continued detention of Mr Haradinaj and requested the Haradinaj Defence to submit a public redacted version of its application for Detention Review of 16 December 2021<sup>3</sup> by 24 January 2022.
3. In its Oral Order of 28 January 2022, the Trial Panel reiterated its instruction to the Haradinaj Defence to file a public redacted version of its *Defence Submission for Detention Review* of 16 December 2021,<sup>4</sup> following the redactions applied by the Trial Panel, by 31 January 2022.<sup>5</sup>
4. Having reviewed the redaction regime applied by the Trial Panel in its *Decision on Review of Detention of Nasim Haradinaj*,<sup>6</sup> the Haradinaj Defence notes that the information expunged relates to the details of the mitigating measures proposed

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<sup>1</sup> KSC-BC-2020-07/F00500, Defence Submission for Detention review, 16 December 2021

<sup>2</sup> KSC-BC-2020-07/F00507, Decision on Review of Detention of Nasim Haradinaj, 21 December 2021

<sup>3</sup> KSC-BC-2020-07/F00500, Defence Submission for Detention review, 16 December 2021

<sup>4</sup> KSC-BC-2020-07/F00500, Defence Submission for Detention review, 16 December 2021

<sup>5</sup> KSC-BC-2020-07, Oral Order 28 January 2022, Page 3374 Line 14 to Page 3374 Line 16

<sup>6</sup> KSC-BC-2020-07/F00507/RED, Decision on Review of Detention of Nasim Haradinaj, 21 December 2021

to be enforced by the Kosovo Police in the event of the provisional release of Mr Haradinaj.

5. Since the “*Defence Submission for Detention Review* of 16 December 2021<sup>7</sup> does not refer to any proposed mitigating measures to be applied by the Kosovo Police in detail, the Haradinaj Defence requests the Trial Panel to reclassify it as a public document.

Word count: 282



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<sup>7</sup> KSC-BC-2020-07/F00500, Defence Submission for Detention review, 16 December 2021