



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

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 Guénaël Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon
Filing Participant: Specialist Prosecutor
Date: 1 February 2022
Language: English
Classification: Public

Prosecution Response to Haradinaj Defence Reclassification Request

Specialist Prosecutor's Office

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1. On 21 December 2021 and 31 January 2022, the Trial Panel directed the Haradinaj Defence to file public redacted versions¹ of the Haradinaj Detention Submission.² In requesting reclassification of the Haradinaj Detention Submission,³ the Haradinaj Defence has not complied with the Trial Panel's directions.
2. Contrary to the Haradinaj Defence's submission, the Haradinaj Defence did address non-public matters in the Haradinaj Detention Submission.⁴ To cite one prominent instance, specific individuals - named by way of example in SPO submissions - have been duly redacted in the SPO and Gucati Defence detention submissions, and the Trial Panel considered these materials in a way careful not to reveal any names.⁵ However, paragraph 18 of the Haradinaj Detention Submission reveals the same names.
3. It is requested that the request for reclassification of the Haradinaj Detention Submission be rejected, and the Haradinaj Defence be (again) directed to file a public redacted version.

¹ Transcript of Hearing, 31 January 2022, p.3374; Public Redacted Version of Decision on Review of Detention of Nasim Haradinaj, KSC-BC-2020-07/F00507/RED, 21 December 2021, p.34 ('December 2021 Haradinaj Detention Decision').

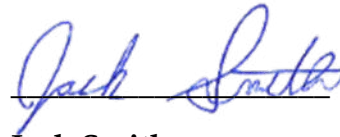
² Defence Submissions on Detention, KSC-BC-2020-07/F00500, 15 December 2021, Confidential.

³ Haradinaj Defence Application for Reclassification of F00500, KSC-BC-2020-07/F00544, 31 January 2022.

⁴ *Contra* KSC-BC-2020-07/F00544, paras 4-5.

⁵ December 2021 Haradinaj Detention Decision, KSC-BC-2020-07/F00507/RED, para.80; Public redacted version of Prosecution consolidated submissions for review of detention, KSC-BC-2020-07/F00490/RED, 10 December 2021 (redacted version notified 21 January 2022), para.24; Public Redacted Version of Defence Submissions on the Kosovo Police and Registry Reports and on Detention Review, KSC-BC-2020-07/F00499/RED, 15 December 2021 (redacted version notified 31 January 2022), paras 27-30. While the information in question is available in open source materials, reclassifying formal filings naming these individuals could expose them to excessive and unnecessary public scrutiny.

Word count: 287



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Tuesday, 1 February 2022

At The Hague, the Netherlands