



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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: 1 February 2022

Language: English

Classification: **Public**

Order Pursuant to Rule 131 of the Rules

Specialist Prosecutor

Jack Smith

Valeria Bolici

Matthew Halling

James Pace

Counsel for Hysni Gucati

Jonathan Elystan Rees

Huw Bowden

Eleanor Stephenson

Counsel for Nasim Haradinaj

Toby Cadman

Carl Buckley

Jonathan Peter Worboys

TRIAL PANEL II (“Panel”), pursuant to Article 40(2) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 116 and 131 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 28 January 2022, the Panel heard the testimony of the last witness of the Defence, DW01253.
2. On 31 January 2022, the Defence for Hysni Gucati (“Gucati Defence”) and the Defence for Nasim Haradinaj (“Haradinaj Defence”) confirmed that they have no more evidence to bring before the Panel.¹

II. APPLICABLE LAW

3. In accordance with Article 40(2) of the Law and Rule 116(1) of the Rules, the Panel shall ensure fair and expeditious proceedings in accordance with the Rules and full respect for the rights of the Accused. After having heard the Parties, the Panel may adopt procedures and modalities as are necessary to facilitate the fair and expeditious conduct of proceedings.
4. Pursuant to Rule 131 of the Rules, when there are no more witnesses to be called or other evidence to be presented as part of the case of the Defence of any Accused, Specialist Counsel shall close his case.

¹ Transcript, 31 January 2022, pp 3385-3386.

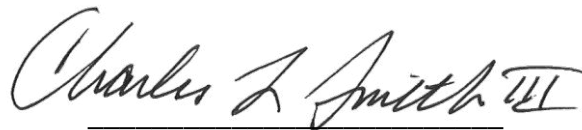
III. DISCUSSION

5. The Panel observes that there are no more witnesses to be called or other evidence to be presented as part of the Defence case of any Accused, as confirmed by Counsel.² The Panel further notes there are no outstanding evidentiary matters forming part of the Defence case.

6. The Panel therefore directs the Gucati Defence and the Haradinaj Defence to formally close their case pursuant to Rule 131 of the Rules, by way of a written notification to this effect.

IV. DISPOSITION

7. In light of the foregoing, and in order to facilitate the fair and expeditious conduct of the trial proceedings, the Panel **DIRECTS** the Gucati Defence and the Haradinaj Defence to submit a written notification formally closing their case pursuant to Rule 131 of the Rules, by **2 February 2022 noon**.



Judge Charles L. Smith, III
Presiding Judge

Dated this Tuesday, 1 February 2022
At The Hague, the Netherlands

² Transcript, 31 January 2022, pp 3385-3386.