



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: 15 February 2022

Language: English

Classification: **Public**

Scheduling Order on Defence Submissions on Detention Review

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 41(10) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 57(2), 116(1) and (4) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 21 December 2021, the Panel ordered the continued detention of Hysni Gucati (“Mr Gucati”) and Nasim Haradinaj (“Mr Haradinaj”), and directed the SPO to file submissions on the next review detention by 7 February 2022. The Panel also directed the Defence for Mr Gucati and Mr Haradinaj (“Gucati Defence”, “Haradinaj Defence”) to respond, if they so wished, by 14 February 2022.¹

2. On 31 December 2021, the Haradinaj Defence appealed the Eighth Detention Decision.² The Gucati Defence did not submit an interlocutory appeal.

3. On 28 January 2022, further to submissions from the Parties regarding the possible extension of the detention review timeline in view of an upcoming decision of the Court of Appeals Panel,³ the Panel issued an order varying the time limit for submissions set out in its 21 December 2021 decisions (“Order”).⁴

4. In the Order, the Panel directed the SPO to file its submissions on detention within three days of the decision of the Court of Appeals Panel or at the latest by 14 February 2022, and the Defence to respond by 17 February 2022, if they so

¹ F00506/RED, Panel, *Public Redacted Version of Decision on Review of Detention of Hysni Gucati*, 21 December 2021, para. 95(a)-(c); F00507/RED, Panel, *Public Redacted Version of Decision on Review of Detention of Nasim Haradinaj* (“Eighth Detention Decision”), 21 December 2021, para. 12[93](a)-(c).

² IA007-F00001, Haradinaj Defence, *Appeal Against Decision F00507 Denying Provisional Release of Nasim Haradinaj*, 31 December 2021, confidential.

³ Transcript, 14 January 2022, pp 3083-3084; Transcript, 21 January 2022, pp 3086-3090; Transcript, 28 January 2022, pp 3375-3376.

⁴ F00537/CORR, Panel, *Corrected Version of the Order Varying the Time Limit for Submissions for the Next Detention Review* (“Order”), 28 January 2022.

wished.⁵ In the event that no decision of the Court of Appeals Panel was rendered or notified by 11 February 2022, the Panel ordered the Parties to submit, by 14 February 2022, a joint request or separate requests as regards any variation of the two-month interval.⁶

5. No decision of the Court of Appeals Panel was rendered or notified by 11 February 2022.

6. On 14 February 2022, the SPO filed its consolidated submissions for review of detention (“SPO Submission”).⁷ Neither Party filed a request for the extension of the timeline for detention review.

II. APPLICABLE LAW

7. Pursuant to Article 41(10) of the Law and Rule 57(2) of the Rules, upon the expiry of two (2) months from its last ruling on detention on remand, the Panel shall examine whether reasons for such detention still exist and shall render a ruling by which such detention is extended or terminated.

8. Pursuant to Rule 116(1) and (4) of the Rules, the Panel shall, on an ongoing basis, take all measures and/or issue orders and decisions necessary to facilitate the fair and expeditious conduct of the trial proceedings, including on conditions of detention and related matters.

⁵ Order, para. 12(b) and (c).

⁶ Order, para. 13.

⁷ F00558, Specialist Prosecutor, *Prosecution Consolidated Submissions for Review of Detention* (“SPO Submission”), 14 February 2022.

III. DISPOSITION

9. Considering that the next decision on detention review is due, at the latest, on 21 February 2022, the Panel **ORDERS** the Gucati Defence and the Haradinaj Defence to respond to the SPO Submission, if they so wish, by **17 February 2022**.



Judge Charles L. Smith, III
Presiding Judge

Dated this Tuesday, 15 February 2022
At The Hague, the Netherlands