

**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:** 14 March 2022

**Language:** English

**Classification:** Public

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**Response to Decision on Disclosure on Additional Sentencing Evidence**

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## I. INTRODUCTION

1. On 10 March 2022, in relevant part, the Trial Panel ordered that:
  - a. by 14 March 2022 and 1600, the Haradinaj Defence disclose a detailed summary of any additional evidence it wishes to adduce in relation to sentencing (the “**Order**”);
  - b. the Parties engage in *inter-partes* discussions with a view to reaching an agreement on facts relevant to sentencing and / or stipulate and notify the Panel of any agreed fact at the start of the submissions on sentencing; and
  - c. in case the Parties cannot reach agreement, the Parties make submissions on (i) whether a Party is authorised to submit relevant information or call additional evidence not presented during trial for the purpose of sentencing; and (ii) if so, under what conditions.

## II. SUBMISSIONS

2. In accordance with the Order, the Haradinaj Defence:
  - a. Has disclosed six witness statement from (i) Emin KABASHI; (ii) Gjejlone HARADINAJ; (iii) Gurakuq HARADINAJ; (iv) Ismail SMAKIQI; (v) Dr Kadri KRYEZIU; and (vi) Ambassador (ret) William G. WALKER. The relevance and purpose of these witness statements is

character evidence and to inform submissions that will be made on mitigation. The Haradinaj Defence is permitted to adduce this evidence at this stage of the proceedings in accordance with Rule 162.

- b. Confirms that it will file a short statement from Mr Haradinaj detailing his financial means to pay a fine, including his present monthly income and current liabilities. This statement will inform submissions regarding Rule 165. This statement will be filed before the opening of sentencing and as soon as possible.

Word count: 356



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**Toby Cadman**



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