



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: **KSC-CA-2022-01**

Before: **A Panel of the Court of Appeals Chamber**
Judge Michèle Picard
Judge Kai Ambos
Judge Nina Jørgensen

Registrar: Fidelma Donlon

Date: 25 May 2022

Original language: English

Classification: **Public**

Decision on Working Language

Specialist Prosecutor's Office:
Jack Smith

Counsel for Hysni Gucati:
Jonathan Elystan Rees

Counsel for Nasim Haradinaj:
Toby Cadman

THE PANEL OF THE COURT OF APPEALS CHAMBER of the Kosovo Specialist Chambers (“Court of Appeals Panel” or “Panel” and “Specialist Chambers”, respectively),¹ acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 172 of the Rules of Procedure and Evidence (“Rules”), hereby issues this Decision.

1. The Panel recalls that, pursuant to Article 20 of the Law, in any given proceedings, a Panel may decide the working languages for those proceedings, as appropriate and with full respect for the rights of the accused. Moreover, Rule 8(3)(a) of the Rules provides that as early in the proceedings as possible, a panel, after hearing the parties and, where applicable, Victims’ Counsel, shall decide which working language(s) shall be used in the proceedings.²

2. On 29 October 2020, the Pre-Trial Judge, on the basis of the parties’ agreement,³ issued a decision determining English as the working language “for the purposes of proceedings under KSC-BC-2020-07”, which continued to apply in the trial phase of the proceedings.⁴ As the Pre-Trial Judge noted, the determination of the working language: (i) is necessary to ensure the fair, efficient, and expeditious conduct of proceedings; (ii) will facilitate the efficient preparation and organisation of a party’s or participant’s submissions; and (iii) will increase the foreseeability and planning

¹ F00002, Decision Assigning a Court of Appeals Panel, 24 May 2022.

² The term “proceedings” is understood as “a judicial cause pending before a Chamber”. See KSC-BC-2020-07, F00060, Decision on Working Language, 29 October 2020 (“Decision on Working Language”), para. 8.

³ KSC-BC-2020-07, F00041, Submissions on the Working Language of the Proceedings, 4 October 2020, paras 1-3; KSC-BC-2020-07, F00043, Prosecution Submissions on Working Language for KSC-BC-2020-07, 7 October 2020, paras 2-6; KSC-BC-2020-07, F00044, Submissions on the Working Language of the Proceedings, 9 October 2020, paras 1-2. The Panel notes that all filings submitted by the Parties and all decisions and orders filed prior to the Decision on Working Language were already filed in English. See Decision on Working Language, para. 10.

⁴ Decision on Working Language, paras 11, 29(a).

capacity of language servicing sections within the Registry and the Specialist Prosecutor's Office.⁵

3. Following the issuance of the Trial Judgment on 18 May 2022,⁶ a new case number, KSC-CA-2022-01, was assigned in relation to the appeal proceedings of the case, in accordance with the relevant Practice Direction.⁷ On 23 May 2022, Nasim Haradinaj filed under the new case number a "Request for Clarification on Appeal Timescale".⁸ The Panel notes that the Accused submitted his filing in English and accepts English as the official language of the trial.⁹

4. In light of the above, the Panel finds that it is in the interests of justice to continue using English as the working language during the appeal proceedings of the present case. The Panel also adopts the directions applied during the pre-trial and trial stages of the present case for the purposes of the practical implementation of this decision.¹⁰

⁵ Decision on Working Language, para. 9.

⁶ F00611/RED, Public Redacted Version the Trial Judgment, 18 May 2022 (confidential version filed on 18 May 2022) ("Trial Judgment").

⁷ KSC-BD-15, Registry Practice Direction: Files and Filings before the Kosovo Specialist Chambers, 17 May 2019, Article 8.

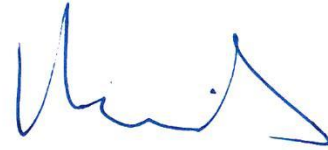
⁸ F00001, Haradinaj Request for Clarification on Appeal Timescale, 23 May 2022 ("Request").

⁹ See Request, para. 3.5.

¹⁰ Decision on Working Language, paras 12-28, 29(b)-(c).

5. For these reasons, the Court of Appeals Panel:

DECIDES that the working language of the present proceedings shall be English.



**Judge Michèle Picard,
Presiding Judge**

Dated this Wednesday, 25 May 2022

At The Hague, the Netherlands