



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2020-07  
**The Prosecutor v. 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

**Filed by:** Dr Fidelma Donlon

**Date:** 3 June 2022

**Language:** English

**Classification:** **Public**

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**Public Redacted Version of**  
**“Report of the Registrar pursuant to Decision on Gucati Defence Request for**  
**Temporary Release on Compassionate Grounds”,**  
**Filing F00612, dated 17 May 2022**

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1. On 9 May 2022, Mr Hysni Gucati ('Mr Gucati') requested temporary release to Kosovo on compassionate grounds.<sup>1</sup> Pursuant to the decision of Trial Panel II on Mr Gucati's request ('Decision'),<sup>2</sup> the Registrar hereby reports to the Panel on the implementation of the Decision.

## I. PROCEDURAL HISTORY

2. On 9 May 2022, Mr Gucati requested temporary release to Kosovo on humanitarian grounds ('Request').<sup>3</sup> The Specialist Prosecutor<sup>4</sup> and the Registrar<sup>5</sup> filed submissions on the Request the same day.

3. The same day, the Trial Panel issued the Decision, authorising Mr Gucati's temporary transfer to a secure facility in Kosovo, where he would remain in detention in the custody of the Specialist Chambers ('SC') and under escort at all times, for a period of three days, ending at the latest on [REDACTED], and under certain conditions.<sup>6</sup> The Trial Panel ordered, *inter alia*, that Mr Gucati only be transported from the secure facility to the hospital in [REDACTED] to visit his father and to an address [REDACTED] to visit his mother.<sup>7</sup> The Panel further authorised the presence of immediate family members at the aforementioned locations, subject to the prior approval of the chief custody officer upon provision of photographic identification.<sup>8</sup>

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<sup>1</sup> KSC-BC-2020-07, F00599, Gucati Request for Temporary Release on Compassionate Grounds, 9 May 2022, confidential, with four confidential annexes ('Request' - a public redacted version was filed on 17 May 2022); F00600, English Translations of Annex 1 and Annex 3 to Filing F00599 "Gucati Request for Temporary Release on Compassionate Grounds", 9 May 2022, confidential, with two confidential annexes; F00603, Updated Annex I to filing F00599 "Gucati Request for Temporary Release on Compassionate Grounds", 9 May 2022, confidential, with one confidential annex.

<sup>2</sup> F00604, Decision on Gucati Defence Request for Temporary Release on Compassionate Grounds, 9 May 2022, confidential and *ex parte*, paras 26, 27(g). A public redacted version was filed on 16 May 2022.

<sup>3</sup> Request, paras 1, 14.

<sup>4</sup> F00601, Prosecution Response to Gucati Request for Temporary Release on Compassionate Grounds, 9 May 2022, confidential. This filing was reclassified as public on 16 May 2022.

<sup>5</sup> F00602, Registrar's Submissions on Gucati Request for Temporary Release on Compassionate Grounds, 9 May 2022, confidential and *ex parte*. A public redacted version was filed on 16 May 2022.

<sup>6</sup> Decision, paras 19-20.

<sup>7</sup> Decision, para. 20(c).

<sup>8</sup> Decision, paras 20(d)-(e).

4. The Panel ordered the Registry to provide regular updates throughout the custodial visit and to file a report on the implementation of the Decision before 18 May 2022.<sup>9</sup>

## II. REPORT

5. The secure and temporary transfer of Mr Gucati to Kosovo for the purpose of a custodial visit took place between 12 and 14 May 2022. The Registry provided the Trial Panel with regular updates throughout the custodial visit, as specified in the Decision.<sup>10</sup>

6. On 12 May 2022, Mr Gucati was transferred to a secure facility in Kosovo, where he remained in the custody of the SC and under escort at all times.

7. Upon his arrival in Kosovo on 12 May 2022, Mr Gucati visited his father at [REDACTED] Hospital in the company of escorting officers. Two pre-approved immediate family members were also present during Mr Gucati's visit with his father. The visit was conducted within the sight and hearing of the chief custody officer and/or escorting officer(s), with the assistance of a SC interpreter.

8. Immediately thereafter, Mr Gucati was transported to his mother's residence. [REDACTED].

9. At the residence, Mr Gucati visited his mother, with small groups of up to four authorised immediate family members joining them at a time, after verification of identity, on a rotation basis. In total, 15 pre-approved immediate family members were present at the mother's residence, together with a few infant children of pre-approved persons. Visits at the residence were conducted within the sight and hearing of the chief custody officer and/or escorting officer(s), with the assistance of a SC interpreter.

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<sup>9</sup> Decision, para. 26.

<sup>10</sup> Ibid.

10. After the visits were completed, Mr Gucati was transported to the SC's secure transfer facility, [REDACTED] upon arrival and where he remained until his transfer back to the SC Detention Facilities in The Hague, the Netherlands on 14 May 2022. As ordered by the Trial Panel, Mr Gucati was not alone with any of the above family members at any time. Further, he did not have access to communication devices or other means of communication, including pen and paper, other than as facilitated by the SC. In addition, Mr Gucati was not permitted to pass or receive any items to or from any person without prior inspection and approval of the escorting officer(s).

11. Mr Gucati abided by the instructions of the chief custody officer and the escorting officers during the custodial visit.

12. Cooperation with external partners was highly effective and ensured a successful operation.

### III. CLASSIFICATION

13. This report is filed as confidential and *ex parte* pursuant to Rule 82(4) of the Rules. The Registrar will file a public redacted version of this report.

**Word count: 822**



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**Dr Fidelma Donlon**

**Registrar**

Friday, 3 June 2022

At The Hague, the Netherlands