

In: KSC-CA-2022-01
The Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: **Court of Appeals Panel**
Judge Michele Picard
Judge Kai Ambos
Judge Nina Jorgensen

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Nasim Haradinaj

Date: 14 June 2022

Language: English

Classification: **Public**

**Haradinaj Defence Application for an Extension of Word Limit
for the Notice of Appeal of Trial Judgement**

Specialist Prosecutor

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Counsel for Hysni Gucati

Jonathan Elystan Rees QC

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Eleanor Stephenson

I. INTRODUCTION

1. On 18 May 2022, the Trial Panel issued a Trial Judgment¹ to convict Mr. Haradinaj (“Appellant”) on Counts 1, 2, 3, 5, and 6 of the indictment (“Indictment”)² and to sentence him to a four- and half-year custodial sentence (with credit for time served) and a fine of EUR 100. Judge Barthe issued a separate opinion in which he departed from the majority decision.³
2. Pursuant to Article 32 of the Constitution of the Republic of Kosovo (“Kosovo Constitution”), Article 46 of the Law on Specialist Chambers and Specialist Prosecutor Office (“Law”), and Rule 176 of the Rules of Procedure and Evidence (“Rules”), the Defence for Mr. Nasim Haradinaj (“Defence”) seeks to submit a Notice of Appeal of the Trial Judgment and requests an extension of the word limit prescribed in Article 47 of the Practice Direction, to 4,500 words.⁴
3. The Defence submits that good cause exists for the requested extension considering the number of significant and complex legal issues arising from the 353-page long Trial Judgment and separate opinion. In light of the obligation of the Appellant under Article 46(1) of the Law to set out clearly

¹ KSC-BC-2020-07/F00611, Trial Judgment, 18 May 2022

² KSC-BC-2020-07/ F251/A01 Indictment.

³ KSC-BC-2020-07/F00611, Dissenting Opinion of Judge Barthe, 18 May 2022, para 1.

⁴ Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019 (‘Practice Direction’).

the grounds of appeal, such an extension is in the interests of justice for the parties to be able to file an adequate and meaningful notice of the grounds of appeal arising from the matters raised in the Trial Judgment.

4. This request is being made in advance of the applicable deadline. Furthermore, in light of the reasonable and proportionate nature of the request and the procedural phase of the proceedings, the Defence submits that no prejudice would be caused to other parties should the Panel rule upon the request without receiving further submissions.⁵

Word Count: 421 words



Toby Cadman

Specialist Counsel

⁵ Practice Direction, Article 36(2)