



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-CA-2022-01  
**Before:** The President of the Specialist Chambers  
Judge Ekaterina Trendafilova  
  
**Registrar:** Dr Fidelma Donlon  
**Filing Participant:** Specialist Prosecutor  
**Date:** 17 June 2022  
**Language:** English  
**Classification:** Public

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**Prosecution notification and request to maintain detention**

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**Specialist Prosecutor's Office**

Jack Smith

**Counsel for Mr Gucati**

Jonathan Elystan Rees

**Counsel for Mr Haradinaj**

Toby Cadman

1. The Specialist Prosecutor's Office ('SPO') hereby informs the President that it does not intend to seek an appeal of the trial judgment and sentence ('Trial Judgment') in the case of the *Prosecutor v. Gucati and Haradinaj*.<sup>1</sup>
2. In anticipation of the Defence pursuing such appeals, the SPO maintains that the continued detention of the Convicted Persons remains necessary while they serve their sentences.
3. The Trial Panel's findings that the Convicted Persons committed crimes beyond reasonable doubt are well beyond the grounded suspicion standard under Article 41(6)(a) of the Law.<sup>2</sup> The Article 41(6)(b) risks previously found by the Trial Panel<sup>3</sup> are at their highest, supported now by 4.5 year sentences following convictions for obstruction, intimidation, and violation of the secrecy of proceedings. In particular, the lack of remorse expressed by each of the Convicted Persons and their willingness to repeat their criminal conduct is clear from the Trial Judgment.<sup>4</sup> There continue to be no conditions which could sufficiently mitigate the risks in question.<sup>5</sup> There is also no question of proportionality given the expeditiousness of the trial, the lengthy sentence imposed, and the strict time lines governing appellate proceedings.
4. For these reasons, if the Defence seek to appeal the Trial Judgment, the SPO requests that the detention of the Convicted Persons be maintained by the assigned Appeals Panel.

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<sup>1</sup> Public Redacted Version of the Trial Judgment, KSC-BC-2020-07/F00611/RED, 18 May 2022 (with three annexes) ('Trial Judgment').

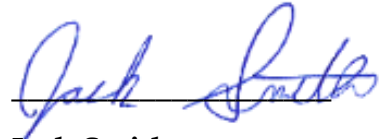
<sup>2</sup> Law no.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). Unless otherwise indicated, all references to 'Article(s)' are to the Law.

<sup>3</sup> Decision on Review of Detention of Hysni Gucati, KSC-BC-2020-07/F00594, 21 April 2022; Decision on Review of Detention of Nasim Haradinaj, KSC-BC-2020-07/F00595, 21 April 2022.

<sup>4</sup> Trial Judgment, KSC-BC-2020-07/F00611/RED, paras 976, 1001.

<sup>5</sup> In this regard, *see* Consolidated Decision on Nasim Haradinaj's Appeals Against Decisions on Review of Detention, KSC-BC-2020-07/IA008/F00004, 6 April 2022, paras 50-57.

**Word count: 311**



**Jack Smith**

**Specialist Prosecutor**

Friday, 17 June 2022

At The Hague, the Netherlands.