

In: KSC-CA-2022-01

The Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: Court of Appeals Panel

Judge Michèle Picard, Presiding Judge

Judge Kai Ambos

Judge Nina Jørgensen

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hysni Gucati

Date: 30 June 2022

Language: English

Classification: Public

**Gucati Application for Extension of the Word Limit for the
Re-Filed Notice of Appeal**

Specialist Prosecutor

Jack Smith

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Matthew Halling

James Pace

Counsel for Hysni Gucati

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Eleanor Stephenson

Counsel for Nasim Haradinaj

Toby Cadman

Carl Buckley

I. INTRODUCTION

1. On 20 June 2022, the Notice of Appeal on behalf of Mr Gucati was distributed (“Gucati Notice of Appeal”)¹.
2. On the same date, the Notice of Appeal on behalf of Mr Haradinaj was distributed² (“Haradinaj Notice of Appeal”).
3. Ground 18 of the Gucati Notice of Appeal sought to incorporate Grounds 7, 23, 24 and 25 of the Haradinaj Notice of Appeal.
4. On 27th June 2022, the Prosecution filed the Prosecution Request for Order to Haradinaj Defence to refile its Notice of Appeal and Related Matters (“Prosecution Request”)³.
5. On 1 July 2022, a Panel of the Court of Appeals Chamber handed down its decision on the Prosecution Request (“Decision”)⁴. In doing so, the Panel ‘struck’ Ground 18 of the Gucati Notice of Appeal *proprio motu* and ordered the Appellant should he wish to maintain the content of his Ground 18, to re-file a notice of appeal without ‘incorporating submissions made elsewhere’.

¹ *Gucati Notice of Appeal re Trial Judgment KSC-BC-2020-07/F00611*, KSC-CA-2022-01/F00009, Gucati, 17 June 2022, Confidential

² *Haradinaj Defence Notice of Appeal of Trial Judgment*, KSC-CA-2022-01/F00008, Haradinaj, 17 June 2022, Public

³ *Prosecution Request for Order to Haradinaj Defence to Refile its Notice of Appeal and Related Matters*, KSC-CA-2022-01/F00014, Prosecution, 27 June 2022, Public

⁴ *Decision on Haradinaj’s Request for Variation of Word Limit to File Appeal Brief and SPO’s Request for Order to Re-File Haradinaj’s Notice of Appeal*, KSC-CA-2022-01, Panel of the Court of Appeals Chamber, 1 July 2022, Public

6. The Appellant hereby applies for an extension of 151 words to the word limit for the re-filed notice of appeal, to permit him to insert the content of Grounds 7, 23, 24 and 25 of the Haradinaj Notice of Appeal into the Appellant's re-filed notice of appeal.

II. SUBMISSIONS

7. In the Decision, the Panel acknowledged that the Gucati Notice of Appeal "respects" the 2,800 word maximum⁵, with the Gucati Notice of Appeal containing exactly 2,800 words.
8. No criticism was made in the Prosecution Request of the Gucati Notice of Appeal.
9. No criticism was made in the Prosecution Request of Grounds 7, 23, 24 and 25 of the Haradinaj Notice of Appeal.
10. The extension of the word count sought has been calculated on the bare minimum number of additional words required to replace Ground 18 of the Gucati Notice of Appeal with the content of Grounds 7, 23, 24 and 25 of the Haradinaj Notice of Appeal.
11. The extension of the word count sought is very modest (151 words) and will add less than 2 minutes reading time to the re-filed notice of appeal.
12. Without an extension of the word limit, the Appellant cannot comply with the direction to re-file the notice of appeal so as to maintain the content of Ground

⁵ *Decision*, paragraph 13

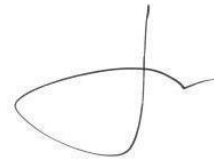
18 in compliance with the instructions to remove grounds incorporating submissions made elsewhere.

13. The word limit should not be used as an arbitrary guillotine so as to prevent otherwise permissible and properly drafted grounds of appeal (as Grounds 7, 23, 24 and 25 of the Haradinaj Notice of Appeal, in isolation, are) from being argued by the Appellant.

III. CLASSIFICATION

14. This filing is public.

Word count: 534 words



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3 July 2022

Cardiff, UK