



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-07
The Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: **Trial Panel II**
Judge Charles L. Smith, III, Presiding Judge
Judge Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filed by: Dr Fidelma Donlon

Date: 4 July 2022

Language: English

Classification: **Public**

Public Redacted Version of
“Report of the Registrar Pursuant to Decision on Second Gucati Defence Request
for Temporary Release on Compassionate Grounds”,
Filing F00619, dated 2 June 2022

Specialist Prosecutor’s Office

Jack Smith

Counsel for Hysni Gucati

Jonathan Elystan Rees

Counsel for Nasim Haradinaj

Toby Cadman

1. On 26 May 2022, Mr Hysni Gucati ('Mr Gucati') requested temporary release to Kosovo on compassionate grounds.¹ Pursuant to the decision of Trial Panel II on Mr Gucati's request ('Decision'),² the Registrar hereby reports to the Panel on the implementation of the Decision.

I. PROCEDURAL HISTORY

2. On 26 May 2022, Mr Gucati filed a second request for temporary release to Kosovo on humanitarian grounds ('Second Request').³ The Specialist Prosecutor⁴ and the Registrar⁵ responded the following day.

3. On 27 May 2022, the Panel issued the Decision authorising Mr Gucati's secure and temporary transfer to Kosovo for one day, during which he would remain in the custody of the SC and under escort at all times, departing and returning on Monday, 30 May 2022.⁶ The Panel imposed certain conditions on the custodial visit, *inter alia*, that Mr Gucati only be transported to an address [REDACTED] to visit his mother and to his father's grave.⁷ The Panel further authorised the presence of immediate family

¹ KSC-BC-2020-07, F00614, Second Gucati Request for Temporary Release on Compassionate Grounds, 26 May 2022, confidential and *ex parte*, with one confidential annex ('Second Request'). A public redacted version was filed on 2 June 2022.

² F00618, Decision on Second Gucati Defence Request for Temporary Release on Compassionate Grounds, 27 May 2022, confidential and *ex parte*, paras 30, 33(g).

³ Second Request, paras 1, 11. Trial Panel II granted Mr Gucati's first request for temporary release on compassionate grounds for a period of three days, ending at the latest on [REDACTED], and under certain conditions. *See* F00604, Decision on Gucati Defence Request for Temporary Release on Compassionate Grounds, 9 May 2022, confidential and *ex parte*, paras 19-20. A public redacted version was filed on 16 May 2022. Accordingly, Mr Gucati was temporarily transferred to Kosovo between 12 and 14 May 2022 - *see* F00612, Report of the Registrar pursuant to Decision on Gucati Defence Request for Temporary Release on Compassionate Grounds, 17 May 2022, confidential and *ex parte*.

⁴ F00616, Prosecution Response to Second Gucati Request for Temporary Release on Compassionate Grounds, 27 May 2022, confidential and *ex parte*.

⁵ F00615, Registrar's Submissions on Second Gucati Request for Temporary Release on Compassionate Grounds, 27 May 2022, confidential and *ex parte*. *See also* F00617, Consolidated Reply to SPO and Registrar's Submissions on Second Gucati Request for Temporary Release on Compassionate Grounds, 27 May 2022, confidential.

⁶ Decision, paras 20, 24.

⁷ Decision, para. 24(b).

members at the address [REDACTED], subject to the prior approval of the chief custody officer upon provision of photographic identification.⁸

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 3 June 2022.⁹

II. REPORT

5. The secure and temporary transfer of Mr Gucati to Kosovo for the purpose of a custodial visit took place on Monday, 30 May 2022. The Registry provided the Trial Panel with regular updates throughout the custodial visit, as specified in the Decision.¹⁰

6. Following his arrival in Kosovo on 30 May 2022, Mr Gucati visited his father's grave. Upon arriving at the grave site, [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

7. Immediately thereafter, Mr Gucati was transported to his mother's residence where he visited his mother, with small groups of authorised immediate family members joining them, after verification of identity, on a rotation basis. In total, 19 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 Specialist Chambers (SC) interpreter.

8. After the visits were completed, Mr Gucati was transported to the airport, [REDACTED]. Mr Gucati was transferred back to the SC Detention Facilities in The Hague, the Netherlands the same day, on 30 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,

⁸ Decision, paras 24(c)-(d).

⁹ Decision, para. 30.

¹⁰ Ibid.

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).

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

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

III. CLASSIFICATION

11. 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: 783



Dr Fidelma Donlon
Registrar

Monday, 4 July 2022
At The Hague, the Netherlands