

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

Response to Prosecution Request to Maintain Detention

Specialist Prosecutor

Jack Smith

Valeria Bolici

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Eleanor Stephenson

Counsel for Nasim Haradinaj

Toby Cadman

Carl Buckley

I. INTRODUCTION

1. On 20 June 2022, the Appellant received notification of the Prosecution Notification and Request to Maintain Detention (“Prosecution Request”)¹.
2. By way of paragraph 11 of the Order Scheduling a Pre-Appeal Conference and on Related Matters², the Presiding Judge invited the Defence to file any response within ten days of thereof.
3. The Appellant observes as follows.

II. SUBMISSIONS

4. Article 46(8) of the Law on Specialist Chambers and Specialist Prosecutor’s Office Law No.05/L-053 (“Law”) provides that “unless the Trial or Court of Appeals Panel orders otherwise, a convicted person shall remain in custody pending an appeal”.
5. There is presently no application to either the Trial Panel or Court of Appeals Panel for an order otherwise.
6. In the circumstances, the Appellant makes no substantive response in relation to the Prosecution Request, which neither seeks nor requires any order or relief.

¹ *Prosecution Notification and Request to Maintain Detention*, KSC-CA-2022-01/F00010, Prosecution, 17 June 2022, Public

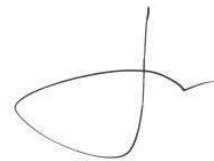
² *Order Scheduling a Pre-Appeal Conference and on Related Matters*, KSC-CA-2022-01/F00012, Court of Appeals Panel, 22 June 2022, Public

7. However, the Appellant reserve his right to apply for an order under Article 46(8) of the Law for release from custody at any stage in the appeal proceedings, with or without a change of circumstances.

III. CLASSIFICATION

8. This filing is public.

Word count: 221 words



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30 June 2022

Cardiff, UK