



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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

Filed by: Dr Fidelma Donlon

Date: 8 July 2022

Language: English

Classification: Public

Public Redacted Version of
**“Report of the Registrar Pursuant to Decision on Gucati’s Third Request for
Temporary Release on Compassionate Grounds”, filing F00027, dated 7 July 2022**

Specialist Prosecutor’s Office

Jack Smith

Counsel for Hysni Gucati

Jonathan Elystan Rees

Counsel for Nasim Haradinaj

Toby Cadman

1. On 29 June 2022, Mr Hysni Gucati ('Mr Gucati') requested temporary release to Kosovo on compassionate grounds ('Third Request').¹ Pursuant to the Decision of the Court of Appeals Panel 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 30 June 2022, the Specialist Prosecutor³ and the Registrar⁴ responded to Mr Gucati's Third Request, followed by Mr Gucati's consolidated reply.⁵

3. On the same day, the Court of Appeals Panel ('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 Specialist Chambers ('SC') and under escort at all times, departing and returning on Sunday, 3 July 2022.⁶ The Panel imposed certain conditions on the custodial visit, *inter alia*, that Mr Gucati only be transported to the hospital to visit his mother and to the SC transfer facility.⁷ The Panel further authorised Mr Gucati to visit with his mother and a maximum of [REDACTED] immediate family members at the hospital, and to have up to [REDACTED] visits of [REDACTED] with immediate family members at the SC transfer facility, subject to the prior approval of the chief custody officer upon provision of photographic identification.⁸

¹ KSC-BC-2022-01, F00016, Third Gucati Request for Temporary Release on Compassionate Grounds, 29 June 2022, confidential and *ex parte* ('Third Request').

² F00020, Decision on Gucati's Third Request for Temporary Release on Compassionate Grounds, 30 June 2022, confidential and *ex parte*, para. 20.

³ F00017, Prosecution response to Third Gucati Request for Temporary Release on Compassionate Grounds, 30 June 2022, confidential and *ex parte*.

⁴ F00018, Registrar's Submissions on Third Gucati Request for Temporary Release on Compassionate Grounds, 30 June 2022, confidential and *ex parte* ('Registry Submissions').

⁵ F00019, Consolidated Reply to Prosecution Response to, and Registrar's Submissions on, Third Gucati Request for Temporary Release on Compassionate Grounds, 30 June 2022, confidential and *ex parte*.

⁶ Decision, paras 15, 18, 22.

⁷ Decision, para. 18(a).

⁸ Decision, para. 18(d) and fn. 39 (incorporating by reference the Registry Submissions, paras 15, 17, 21-22).

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 7 July 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 Sunday, 3 July 2022. The Registry provided the Panel with regular updates throughout the custodial visit, as specified in the Decision.¹⁰

6. Following his arrival in Kosovo on 3 July 2022, Mr Gucati visited his mother at the hospital. [REDACTED]. [REDACTED]. Two authorised immediate family members were also present during Mr Gucati's visit with his mother, following verification of identity. The visit was carried out within the sight and hearing of the chief custody officer and/or escorting officer(s), with the assistance of a SC interpreter.

7. Immediately thereafter, Mr Gucati was transported to the SC transfer facility where he had three (3) visits with a total of 11 authorised immediate family members, after verification of identity. Visits at the transfer facility were conducted within the sight and hearing of the chief custody officer and/or escorting officer(s), with the assistance of a 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 3 July 2022. As ordered by the 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, 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 Decision, para. 20.

¹⁰ Ibid.

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.¹¹ The Registrar will file a public redacted version of this report.

Word count: 730



Dr Fidelma Donlon
Registrar

Friday, 8 July 2022

At The Hague, the Netherlands

¹¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020.