

Annex 4 to

Gucati Appeal Brief

Pursuant to

Rule 179(1) of the Rules of Procedure and Evidence before the Kosovo Specialist
Chambers (“Rules”)

Public

GLOSSARY/TERMINOLOGY

Filings in KSC-BC-2020-07

"Judgment"	KSC-BC-2020-07/F00611, <i>Trial Judgment</i> , Trial Panel, 18 May 2022, Confidential
"Separate Opinion of Barthe J"	KSC-BC-2020-07/F00611, <i>Separate Opinion of Judge Barthe</i> , Trial Panel, 18 May 2022, Confidential
"Salihu et al Commentary"	KSC-BC-2020-07/F00341/A01, <i>Commentary on the Kosovo Criminal Code 2012</i> , Salihu, Zhitija & Hasani, 2014
"F00005"	KSC-BC-2020-07/F00005, <i>Urgent Decision Authorising a Seizure</i> , Single Judge, 7 September 2020, Confidential
"F00007"	KSC-BC-2020-07/F00007, <i>Decision Authorising a Seizure</i> , Single Judge, 17 September 2020, Confidential
"F00017/A01"	KSC-BC-2020-07/F00017/A01, <i>Order in Relation to Non-Public and Confidential Documents</i> , Single Judge, 25 September 2020, Confidential
"F00074"	KSC-BC-2020-07/F00074, <i>Decision on Confirmation of the Indictment</i> , Pre-Trial Judge, 11 December 2020, Confidential
"F00251/A01"	KSC-BC-2020-07/F00251/A01, <i>Specialist Prosecutor, Annex 1 to Submission of Corrected Indictment</i> , 5 July 2021, confidential
"F00258"	KSC-BC-2020-07/F00258, <i>Defence Pre-Trial Brief on behalf of Hysni Gucati</i> , Gucati, Confidential
"F00328"	KSC-BC-2020-07/F00328, <i>Order on Rule 117 Defence Motions</i> , Trial Panel, 27 September 2021, Public
"F00334"	KSC-BC-2020-07/F00334, <i>Decision on the Prosecution Request for Admission of Items Through the Bar Table</i> , Trial Panel, 29 September 2021, Public
"F00341"	KSC-BC-2020-07/F00341, <i>Prosecution Submissions on the Applicable Law with one public annex</i> , Prosecutor, 30 September 2021, Public
"F00470"	KSC-BC-2020-07/F00470, <i>Decision on Prosecution Requests in Relation to Proposed Defence Witnesses</i> , Trial Panel, 3 December 2021, Public
"F00567"	KSC-BC-2020-07/F00567, <i>Final Trial Brief on behalf of Hysni Gucati</i> , Gucati, 3 March 2022, Confidential
"F00611/A01"	KSC-BC-2020-07/F00611/A01, <i>Annex 1 to the Trial Judgment</i> , Trial Panel, 18 May 2022, Public

Filings in KSC-CA-2022-01

"CA/F00002"	KSC-CA-2022-01/F00002, <i>Decision Assigning a Court of Appeals Panel</i> , President, 24 May 2022, Public
"CA/F00009"	KSC-CA-2022-01/F00009, <i>Gucati Notice of Appeal re Trial Judgment KSC-BC-2020-07/F00611 ("Judgment") Pursuant to Art.46(1)(a), (b) and (c) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 176(2) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules")</i> , Gucati, 17 June 2022, Confidential
"CA/F00021"	KSC-CA-2022-01/F00021, <i>Court of Appeals Panel, 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</i> , Court of Appeals Panel, 1 July 2022, Public
"CA/F00030"	KSC-CA-2022-01/F00030, <i>Re-Filed Gucati Notice of Appeal re Trial Judgment KSC-BC-2020-07/F00611 ("Judgment") Pursuant to Art.46(1)(a), (b) and (c) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 176(2) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules")</i> , Gucati, 11 July 2022, Confidential
"CA/F00033"	KSC-CA-2022-01/F00033, <i>Decision on Gucati's Request for Variation of Word Limit to File Appeal Brief</i> , Court of Appeals Panel, 5 August 2022 at page 5

Authorities (non-sentencing)

Kosovo Court of Appeals

"M.I. et al"	<i>M.I. et al</i> , Court of Appeals of Kosovo, PAKR 513/2013, 28 May 2014
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International criminal courts/tribunals

"Bemba"	<i>Bemba et al</i> , ICC-01/05-01/13 A, <i>Judgment on Appeals</i> , Appeals Chamber, 8 March 2018, Public Redacted
"Bizimungu"	<i>Prosecutor v Bizimungu</i> , ICTR-99-50-T, Trial Transcript 8 October 2004 pages 27 to 31 (<i>Ruling on the admissibility of the report of Joseph Ngarambe</i>) Trial Chamber II, 8 October 2004
"Jelisić"	<i>Jelisić</i> , IT-95-10-A, <i>Judgement</i> , Appeals Chamber, 5 July 2001
"Jović"	<i>Prosecutor v Josip Jović</i> , IT-95-14 & IT-95-14/2-R-77, <i>Judgement</i> , Trial Chamber III, 30 August 2006
"Milosevic (Appeal)"	<i>Prosecutor v Milosevic</i> , IT-02-54-AR73.2, <i>Decision on Admissibility of Prosecution Investigator's Evidence</i> , Appeals Chamber, 30 September 2002
"Milosevic (Trial)"	<i>Prosecutor v Milosevic</i> , Trial Transcript, IT-02-54-T, Trial Chamber, 30 May 2002
"Perisic"	<i>Prosecutor v Perisic</i> , IT-04-81-T, <i>Decision on Defence Motion In Limine for Prosecution Witness Bretton Randall</i> , IT-04-81-T, Trial Chamber I, 11 February 2009
"Strugar"	<i>Prosecutor v Pavle Strugar</i> , IT-01-42-A, <i>Judgment</i> , ICTY Appeals Chamber, 17 July 2008

ECtHR

"Pătraşcu"	<i>Pătraşcu v Romania</i> , (7600/09) ECtHR Chamber 14 February 2017
"Ramanauskas"	<i>Ramanauskas v Lithuania</i> (74420/01) ECtHR Grand Chamber, 5 February 2008
"Ramanauskas (No.2)"	<i>Ramanauskas v Lithuania (No.2)</i> (55146/14) ECtHR Chamber 20 February 2018

Legislation and other materials

"PCKK"	Provisional Criminal Code of Kosovo, UNMIK/REG/2003/25
"KCC"	Kosovo Criminal Code 2019, Code N.06/L-074
"LawNo.03/L-178"	Law on Classification of Information and Security Clearances, Law No.03/L-178
"LawNo.05/L-53"	Law on Specialist Chambers and Specialist's Prosecutor's Office, Law No.05/L-53
"KSC-Rules"	The Rules of Procedure and Evidence before the Specialist Chambers, KSC-BD-03/Rev3/2020
"KSC-PDFilings"	Practice Direction on Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019
"Constitution"	Constitution of the Republic of Kosovo
"ECHR"	European Convention on Human Rights
"LawNo.04/L-015"	Law on Witness Protection, No.04/L-015
"CERWP/Appendix/Section1"	Section 1 of the Appendix to the Council of Europe Recommendation on Witness Protection, "Recommendation CM/Rec(2022)9 of the Committee of Ministers to member States on the protection of witnesses and collaborators of justice", 30 March 2022
"KCPC"	Kosovo Criminal Procedure Code 2012, Code No.04/L-123
"ICTY-Rules"	Rules of Procedure and Evidence of the International Criminal Tribunal for the former Yugoslavia, IT/32/Rev.50
"Rome Statute"	Rome Statute of the International Criminal Court, 17 July 1998

Bodies

"TPII"	Trial Panel II of the Kosovo Specialist Chambers
"KSC" or "SC"	Kosovo Specialist Chambers
"KSCCAP"	Court of Appeals Panel of the Kosovo Specialist Chambers
"SPO"	Specialist Prosecutor's Office
"SP"	Specialist Prosecutor
"ICTY"	International Criminal Tribunal for the former Yugoslavia
"ICC"	International Criminal Court