



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:** 14 October 2022

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**Public Redacted Version of**

**“Report of the Registrar Pursuant to Decision on Gucati’s Fourth Request for  
Temporary Release on Compassionate Grounds”, filing F00048, dated 22  
September 2022**

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1. On 10 September 2022, Mr Hysni Gucati ('Mr Gucati') requested temporary release to Kosovo on compassionate grounds ('Fourth Request').<sup>1</sup> Pursuant to the Decision of the Court of Appeals Panel on Mr Gucati's request ('Decision'),<sup>2</sup> the Registrar hereby reports to the Panel on the implementation of the Decision.

## I. PROCEDURAL HISTORY

2. On 12 September 2022, the Specialist Prosecutor<sup>3</sup> and the Registrar<sup>4</sup> responded to Mr Gucati's Fourth Request, followed by Mr Gucati's reply.<sup>5</sup>

3. On 13 September 2022, 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 Friday, 16 September 2022.<sup>6</sup> 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.<sup>7</sup> The Panel further authorised Mr Gucati to visit with his mother and a limited number of pre-approved family members at the hospital and at the SC transfer facility, subject to the prior approval of the chief custody officer upon provision of photographic identification, in line with specific visit parameters included in the Registry Submissions.<sup>8</sup>

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<sup>1</sup> KSC-BC-2022-01, F00039, Fourth Gucati Request for Temporary Release on Compassionate Grounds, 10 September 2022, confidential and *ex parte* ('Fourth Request').

<sup>2</sup> F00043, Decision on Gucati's Fourth Request for Temporary Release on Compassionate Grounds, 13 September 2022, confidential and *ex parte*, para. 25.

<sup>3</sup> F00040, Prosecution response to Fourth Gucati Request for Temporary Release on Compassionate Grounds, 12 September 2022, confidential and *ex parte*.

<sup>4</sup> F00041, Registrar's Submissions on the Fourth Gucati Request for Temporary Release on Compassionate Grounds, 12 September 2022, confidential and *ex parte* ('Registry Submissions').

<sup>5</sup> F00042, Reply to Prosecution Response to Fourth Gucati Request for Temporary Release on Compassionate Grounds, 13 September 2022, confidential and *ex parte*.

<sup>6</sup> Decision, paras 20, 23(a).

<sup>7</sup> Decision, para. 23.

<sup>8</sup> Decision, para. 23(d) and fn. 54 (incorporating by reference the Registry Submissions, paras 15, 17, 20-24).

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 by 22 September 2022.<sup>9</sup>

## II. REPORT

5. The secure and temporary transfer of Mr Gucati to Kosovo for the purpose of a custodial visit took place on Friday, 16 September 2022. The Registry provided the Panel with regular updates throughout the custodial visit, as specified in the Decision.<sup>10</sup>

6. Following his arrival in Kosovo on 16 September 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. [REDACTED]. [REDACTED]. All visits were 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 visits with a total of 10 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 16 September 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

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<sup>9</sup> Decision, para. 25.

<sup>10</sup> Ibid.

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. While the custodial visit was ongoing, the Registry received various media reports on Mr Gucati's presence in Kosovo, [REDACTED].<sup>11</sup>

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

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

### III. CLASSIFICATION

12. This report is filed as confidential and *ex parte* pursuant to Rule 82(4) of the Rules.<sup>12</sup> The Registrar will file a public redacted version of this report.

**Word count: 745**



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**Dr Fidelma Donlon**

**Registrar**

Friday, 14 October 2022

At The Hague, the Netherlands

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<sup>11</sup> [REDACTED].

<sup>12</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020.