



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** **KSC-CA-2022-01**

**Before:** **A Panel of the Court of Appeals Chamber**  
Judge Michèle Picard  
Judge Kai Ambos  
Judge Nina Jørgensen

**Registrar:** Fidelma Donlon

**Date:** 20 October 2022

**Original language:** English

**Classification:** **Public**

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**Order Scheduling an Appeal Hearing**

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**Specialist Prosecutor's Office:**

Jack Smith

**Counsel for Hysni Gucati:**

Jonathan Elystan Rees

**Counsel for Nasim Haradinaj:**

Toby Cadman

**THE PANEL OF THE COURT OF APPEALS CHAMBER** of the Kosovo Specialist Chambers (“Court of Appeals Panel”, “Appeals Panel” or “Panel” and “Specialist Chambers”, respectively)<sup>1</sup> acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 172 of the Rules of Procedure and Evidence (“Rules”) hereby issues this Order.

1. The Panel notes that Rule 72(3) of the Rules states that an appeal against a trial judgment “may be determined entirely on the basis of written submissions”, while Rule 180 of the Rules provides that, “[a]fter the expiry of the time limits for the filing of the briefs provided for in Rule 179, the Court of Appeals Panel may set the date of an appeal hearing, if necessary.”

2. On 17 October 2022, the briefing regarding Mr Hysni Gucati’s and Mr Nasim Haradinaj’s (“Gucati” and “Haradinaj”, respectively) appeals against the Trial Judgment was completed.<sup>2</sup> The Haradinaj Corrected Appeal Brief includes a request for an appeal hearing, and the Specialist Prosecutor’s Office (“SPO”) responded that

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<sup>1</sup> F00011, Decision Assigning a Court of Appeals Panel, 21 June 2022.

<sup>2</sup> See, notably, KSC-BC-2020-07, F00611/RED, Public Redacted Version of the Trial Judgment, 18 May 2022 (confidential version filed on 18 May 2022) (“Trial Judgment”); F00029, Haradinaj Defence Re-Filed Notice of Appeal of Trial Judgment, 10 July 2022; F00030/RED, Public Redacted Version of 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”), 11 July 2022 (confidential version filed on 11 July 2022); F00035/COR2, Further Corrected Version of Defence Appeal Brief on Behalf of Mr. Nasim Haradinaj, 2 September 2022 (confidential, reclassified on 2 September 2022) (uncorrected version filed on 19 August 2022, first corrected version filed on 30 August 2022) (“Haradinaj Corrected Appeal Brief”); F00036/RED, Public Redacted Version of Gucati Appeal Brief Pursuant to Rule 179(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), 19 August 2022 (distributed on 22 August 2022) (confidential version filed on 19 August 2022, distributed on 22 August 2022); F00047, Prosecution Brief in Response to Defence Appeals, 21 September 2022 (confidential, reclassified as public on 30 September 2022) (“SPO Response Brief”); F00065, Haradinaj Re-filed Reply to SPO Brief in Response to Defence Appeal Brief, 16 October 2022; F00067, Re-Filed Gucati Brief in Reply pursuant to Rule 179(3) with one Annex, 17 October 2022 (confidential).

it is available for any such a hearing, should the Appeals Panel consider that one is necessary.<sup>3</sup>

3. In light of the above, and taking into consideration the specific circumstances of this case, including the length and complexity of the Trial Judgment,<sup>4</sup> the Panel is satisfied that an appeal hearing is necessary and hereby schedules it for **Thursday, 1 December 2022** and **Friday, 2 December 2022**. A schedule and agenda for the appeal hearing will be issued in due course.<sup>5</sup>

4. Finally, in accordance with Rules 96(2) and 173(3) of the Rules, the Panel instructs the Defence to indicate via email to the Court Management Unit, by **Monday, 21 November 2022 at 16:00**, whether the Accused wish to participate in the Appeal Hearing, and/or whether the Accused and/or Counsel wish to appear via video-conference. If the Accused do not wish to participate in the Appeal Hearing, the Defence should submit the pertinent waivers, in the same manner and by the same date and time.

5. For these reasons, the Court of Appeals Panel:

**SCHEDULES** an appeal hearing for **Thursday, 1 December 2022** and **Friday, 2 December 2022**; and

**INSTRUCTS** the Defence to indicate, by **Monday, 21 November 2022 at 16:00**, and in the manner set out above at paragraph 4, whether the Accused wish to

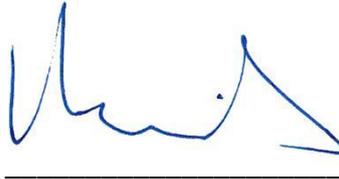
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<sup>3</sup> Haradinaj Corrected Appeal Brief, para. 3; SPO Response Brief, para. 6.

<sup>4</sup> See e.g. F00033, Decision on Gucati's Request for Variation of Word Limit to File Appeal Brief, 5 August 2022, para. 9.

<sup>5</sup> The Panel acknowledges that on 17 and 18 October 2022, respectively, Gucati and Haradinaj also requested an appeal hearing for the reasons developed in their filings. See F00069, Gucati Request for Oral Hearing of the Appeal, 17 October 2022 (confidential); F00072, Haradinaj Request for Oral Hearing of the Appeal and Joinder, 18 October 2022 (confidential). The Panel however emphasizes that these issues are still pending and the present Order has no bearing on any determination to be reached by the Panel in that regard.

participate in the Appeal Hearing and, if necessary, submit the pertinent waivers.



**Judge Michèle Picard,  
Presiding Judge**

Dated this Thursday, 20 October 2022

At The Hague, the Netherlands