

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

**The Prosecutor v. Hysni Gucati and Nasim Haradinaj**

**Before:** A Panel of the Court of Appeals Chamber

Judge Michèle Picard

Judge Kai Ambos

Judge Nina Jørgensen

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Counsel for Nasim Haradinaj

**Date:** 17 November 2022

**Language:** English

**Classification:** Public

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**Public Redacted Version of Haradinaj Request for Oral Hearing of the Appeal  
and Joinder**

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## I. INTRODUCTION

1. The Appellant joins the application of the Gucati Defence in requesting that the Court of Appeals Panel orders an oral appeal hearing (date to be fixed),<sup>1</sup> pursuant to Rules 72(3) and 180 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”),<sup>2</sup> and in doing so, reaffirms its already submitted request within the Appellate Brief.<sup>3</sup>

## II. THE LAW

2. Rule 180 provides that after the expiry of the time limits for the filing of briefs provided for in Rule 179, the Court of Appeals Panel (“Appeals Panel”) may set the date of an appeal hearing, if necessary.
3. In terms of determining that appeal, Rule 72 provides that appeals against a Judgment by a Trial Panel under Article 15(2) of the Law of the Kosovo Specialist Chambers and Specialist Prosecutor’s Office (“Law”)<sup>4</sup> may be determined entirely on the basis of written submissions.

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<sup>1</sup> KSC-CA-2022-01/F00069

<sup>2</sup> KSC-BD-03/Rev3/2020.

<sup>3</sup> KSC-CA-2022-01/F00035/COR2

<sup>4</sup> Law No.05/L-053.

4. That same Rule does not provide that such appeals shall or are to be determined entirely on the basis of written submissions.

### III. SUBMISSIONS

5. In making this request the Appellant does not seek to rehearse that which has already been argued by the Gucati Defence, instead, as aforementioned, it adopts the submissions of Gucati and reaffirms the same.
6. The Appellant would however respectfully remind the Appeals Panel that it has, in the Appellate Brief,<sup>5</sup> made reference to, and requested that the Appeal be dealt with by way of Oral Hearing. Specifically, reference is made to paragraph 3 of that filing wherein that request is made.
7. The request was initially made having regard to the complexity of the issues raised within the appeal and further, what the Appellant maintains is an overly restrictive word-limit that does not provide sufficient opportunity for the relevant arguments to be developed.
8. Per the Gucati request to which the Appellant Haradinaj joins, the position is now further developed, and therefore, the need for an Oral Hearing to fairly adjudicate upon relevant issues is given even greater importance.
9. In accordance with paragraph 19 of the Gucati request therefore, an oral hearing ought to be ordered not only to allow the Appellant to appropriately expand upon

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<sup>5</sup> KSC-CA-2022-01/F00035/COR2, para. 3

relevant matters within the Notice of Appeal and Appeal Brief, specifically [REDACTED], but further, so as to properly address the issues and concerns surrounding the late disclosure of evidence by the SPO, late disclosure that as yet, remains unexplained in terms of why the SPO failed to act in accordance with its obligations.

#### IV. CLASSIFICATION

10. This filing is classified as confidential in accordance with Rule 82(4).

Word Count: 541 words



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