



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-SC-2023-01

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 4 May 2023

Language: English

Classification: Public

Decision Assigning a Supreme Court Panel

Judges of the Supreme Court Panel:

Judge Ekaterina Trendafilova
Judge Christine van den Wyngaert
Judge Daniel Fransen

Acting Specialist Prosecutor:

Alex Whiting

Counsel for Hysni Gucati:

Jonathan Elystan Rees

Counsel for Nasim Haradinaj:

Toby Cadman

THE PRESIDENT of the Specialist Chambers (“President”), noting Articles 33(1)(d), 33(6) and 48(6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rule 193 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers and Rules 3 and 4 of the Rules on Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Supreme Court Panel to decide on the “Haradinaj Defence Request for Protection of Legality” and the “Gucati Request for Protection of Legality pursuant to Article 48(6) to (8) of the Law and Rule 193 of the Rules” (“Requests”).¹

I. PROCEDURAL BACKGROUND

1. On 2 February 2023, a Court of Appeals Panel issued the “Appeal Judgment” in the case against Messrs Hysni Gucati and Nasim Haradinaj.² The Court of Appeals Panel affirmed the majority of Messrs Gucati’s and Haradinaj’s convictions and reversed their conviction for obstruction of official persons in performing official duties by participating in the common action of a group.³ In view of their findings, the Appeals Panel by majority reduced the sentences of four and a half years imposed by the Trial Panel to four years and three months of imprisonment, with credit for time served.⁴ The Appeals Panel affirmed the additional sentence to pay a fine of 100 Euros each.⁵

2. On 2 May 2023, Mr Nasim Haradinaj filed a request for the protection of legality and Mr Hysni Gucati filed a request on 3 May 2023.⁶

III. ASSIGNMENT

3. Having considered Article 33(6) of the Law and the criteria set forth in Rule 4(2) of

¹ F00001, Haradinaj Defence Request for Protection of Legality, 2 May 2023, with Annex; F00002, Gucati Request for Protection of Legality pursuant to Article 48(6) to (8) of the Law and Rule 193 of the Rules, 3 May 2023 (confidential), with Annex.

² KSC-CA-2022-01/F00114, Appeal Judgment, 2 February 2023.

³ Appeal Judgment, para. 442.

the Rules on Assignment, including relevant experience and expertise as well as availability at this time,

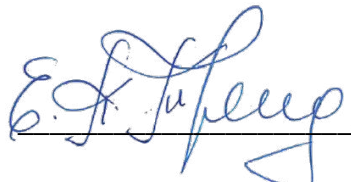
THE PRESIDENT HEREBY ASSIGNS:

Judge Ekaterina Trendafilova, Presiding

Judge Christine van den Wyngaert

Judge Daniel Fransen

to the Supreme Court Panel to decide on the Requests.



**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Thursday, 4 May 2023
At The Hague,
The Netherlands

⁴ Appeal Judgment, para. 442.

⁵ Appeal Judgment, para. 442.

⁶ See Requests.