



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**File number:** KSC-SC-2023-01

**Before:** A Panel of the Supreme Court Chamber  
Judge Ekaterina Trendafilova, Presiding  
Judge Christine van den Wyngaert  
Judge Daniel Fransen

**Registrar:** Fidelma Donlon

**Date:** 4 May 2023

**Language:** English

**Classification:** Public

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## Order on the Time-Limits for Submissions

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**Acting Specialist Prosecutor:**

Alex Whiting

**Counsel for Hysni Gucati:**

Jonathan Elystan Rees

**Counsel for Nasim Haradinaj:**

Toby Cadman

**THE PANEL OF THE SUPREME COURT CHAMBER** of the Kosovo Specialist Chambers (“Supreme Court Panel” or “Panel”), noting Article 48(6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), and Rules 9(5)(a) and 76 and of the Rules of Procedure and Evidence (“Rules”), hereby renders this order.

## I. PROCEDURAL BACKGROUND

1. On 2 and 3 May 2023, Mr Nasim Haradinaj and Mr Hysni Gucati filed requests for protection of legality (“Requests”).<sup>1</sup>

2. On 4 May 2023, the Supreme Court Panel was assigned to adjudicate the Requests.<sup>2</sup>

## II. APPLICABLE LAW

3. Rule 76 of the Rules provides that “[u]nless otherwise provided in the Rules, any response to a motion shall be filed within ten (10) days of the motion and any reply to a response shall be filed within five (5) days of the response”.

4. Rule 193(1) of the Rules provides that a request in accordance with Article 48(6) of the Law shall be filed within 90 days of the final decision or judgment against which protection of legality is sought.

## III. DISCUSSION

5. The Panel notes that aside from the general provision on time limits set forth in Rule 76 of the Rules, the Rules do not establish specific time lines within which the parties are to file responses and replies to requests for protection of legality in

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<sup>1</sup> 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.

<sup>2</sup> F00003, Decision Assigning a Supreme Court Panel, 4 May 2023.

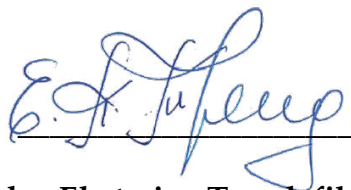
accordance with Article 48(6) of the Law. Bearing in mind the nature and scope of the Requests, the Panel considers it in the interest of justice to set time lines for the response and replies to the Requests, if any, in this particular case.

6. The Panel further notes that Mr Gucati classified his request as confidential. The Panel recalls the importance of ensuring that the proceedings, including filings, be undertaken publicly, unless otherwise necessary. The Panel accordingly instructs Mr Gucati to file a public redacted version of his request.

#### IV. DISPOSITION

7. In view of the foregoing, the Panel hereby **ORDERS** that

- a). The Specialist Prosecutor's Office ("SPO") shall file a response to the Requests, if any, within 60 days of notification of this decision;
- b). Mr Gucati and Mr Haradinaj shall file their respective replies to the SPO's response, if any, within 30 days of notification of the response; and
- c). Mr Gucati file a public redacted version of his request for protection of legality within seven days from notification of this decision.



**Judge Ekaterina Trendafilova,**  
**Presiding Judge**

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