



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-SC-2023-01
Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj

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

Registrar: Dr Fidelma Donlon

Filing Participant: Acting Specialist Prosecutor

Date: 5 May 2023

Language: English

Classification: Public

Prosecution request to order refiling of requests for protection of legality

Specialist Prosecutor's Office

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Toby Cadman

1. The Practice Direction¹ requires that requests for protection of legality be no more than 9,000 words.²
2. The Gucati Legality Request³ claims to be 9,000 words, but in fact exceeds 9,700 words.
3. The Haradinaj Legality Request⁴ does not even claim to be within the word limit, indicating it is 9,988 words in length. The request is in fact over 10,000 words.
4. Neither Defence team requested an extension of the word limit prior to filing.
5. Allegations of substantial violations of KSC procedure following a final appeals judgment are extremely serious. At the very least, they should themselves be made in accordance with KSC procedure.⁵
6. For these reasons, the SPO requests the Supreme Court Panel to order that the Gucati Legality Request and Haradinaj Legality Request be struck and re-filed in accordance with the Practice Direction.

¹ Registry Practice Direction on Files and Filings before the Kosovo Specialist Chambers, KSC-BD-15, 17 May 2019 ('Practice Direction').

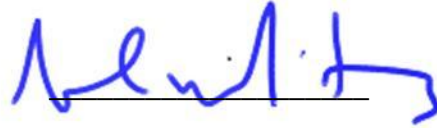
² Article 56(3) of the Practice Direction ('[a] request for protection of legality filed pursuant to Rule 193 of the Rules and response thereto shall not exceed 9,000 words').

³ Gucati Request for Protection of Legality pursuant to Article 48(6) to (8) of the Law and Rule 193 of the Rules, KSC-SC-2023-01/F00002, 3 May 2023 (with annex) ('Gucati Legality Request').

⁴ Haradinaj Defence Request for Protection of Legality, KSC-SC-2023-01/F00001, 2 May 2023 (with annex) ('Haradinaj Legality Request').

⁵ Defence failures to follow proper procedure are not a new phenomenon. *See* Decision on Haradinaj's Request for Variation of Word Limit to File Appeal Brief and SPO's Request for Order to Re-File Haradinaj's Notice of Appeal, KSC-CA-2022-01/F00021, 1 July 2022 (ordering the re-filing of Defence notices of appeal).

Word count: 279



**Alex Whiting
Acting Specialist Prosecutor**

Friday, 5 May 2023

At The Hague, the Netherlands