

In: KSC-SC-2023-01

The 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: Specialist Counsel for Hysni Gucati

Date: 5 May 2023

Language: English

Classification: Public

**Gucati Response to Prosecution Request
to Order Refiling of Request for Protection of Legality**

Specialist Prosecutor

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I. INTRODUCTION

1. On 5 May 2023, the Prosecution requested an order ('Prosecution Request') that the 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 ('Gucati Legality Request') be struck and re-filed on the basis that the word count in the Gucati Legality Request exceeds the 9,000 word limit in Article 56 of the Practice Direction on Filing by 'in excess of' 700 words.

2. For the reasons set out below, Gucati objects to the Prosecution Request.

II. SUBMISSIONS

3. The Prosecution's calculation of the word count of the Gucati Legality Request has included numerals.

4. The Gucati Legality Request has 6 section numbers (I-VI), 205 paragraph numbers, 36 sub-paragraph itemization numbers, 144 footnote markers, 144 footnote numbers, 104 article numbers, 41 rule numbers and 26 count numbers (total 706).

5. Whereas Article 51(1) of the Practice Direction on Filing provides that headings, footnotes and quotations count towards the word limits set out in Article 56, the Practice Direction does not provide that numerals such as section numbers, paragraph

numbers and footnote markers etc. are to be counted. The 706 numerals identified above should not be counted towards the word limit of 9,000.

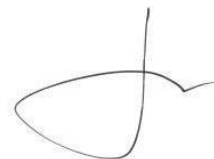
III. CONCLUSION

6. Accordingly, the Request should be refused.

IV. CLASSIFICATION

7. This filing is classified as public.

Word count: 220 words



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5 May 2023