



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-CA-2022-01/CR001

Before: Single Judge

Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filed by: Dr Fidelma Donlon

Date: 13 July 2023

Language: English

Classification: Public

Public Redacted Version of "Report of the Registrar Pursuant to Decision on Gucati Request for Fifth Custodial Visit on Compassionate Grounds", filing CR001, F00013, dated 22 March 2023

Specialist Prosecutor's Office

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Counsel for Hysni Gucati

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1. On 2 March 2023, Mr Hysni Gucati ('Mr Gucati') submitted a request for a custodial visit on compassionate grounds to Kosovo ('Fifth Request').¹ Pursuant to the Single Judge's Decision on Mr Gucati's request ('Decision'),² the Registrar hereby reports on the implementation of the Decision.

I. PROCEDURAL HISTORY

2. On 2 March 2023, the Specialist Prosecutor ('SPO') responded to the Fifth Request.³ The Registrar filed submissions on Mr Gucati's Fifth Request on 8 March 2023,⁴ followed by Mr Gucati's reply on 9 March 2023.⁵

3. On 10 March 2023, the Single Judge issued the Decision authorising Mr Gucati's temporary and secure transfer to Kosovo for one day, during which he would remain in the custody of the Specialist Chambers ('SC') and under escort at all times, [REDACTED].⁶ The Single Judge imposed certain other conditions on the custodial visit, *inter alia*, that Mr Gucati only be transported to and from the airport and to and from the SC transfer facility to [REDACTED] to allow Mr Gucati one last opportunity to attend to his mother.⁷ The Single Judge authorised Mr Gucati to visit with his mother and other pre-identified immediate family members at [REDACTED], subject to the prior approval of the chief custody officer upon presentation of photographic

¹ KSC-BC-2022-01, CR001/F00001, Re-Filed Gucati Request for Fifth Custodial Visit on Compassionate Grounds, 2 March 2023, confidential and *ex parte* ('Fifth Request') (reclassified as confidential on 6 March 2023), with one confidential and *ex parte* Annex.

² CR001/F00012, Decision on Gucati Request for Fifth Custodial Visit on Compassionate Grounds, 10 March 2023, confidential and *ex parte*, para. 34.

³ CR001/F00002, Prosecution Response to Re-Filed Gucati Request for Fifth Custodial Visit on Compassionate Grounds, 2 March 2023, confidential and *ex parte*.

⁴ CR001/F00010, Registrar's Submissions on the Gucati Request for Temporary Release on Compassionate Grounds, 8 March 2023, confidential; *see also* F00006, Request for Extension of Time to File the Registrar's Submissions on the Gucati Request for Temporary Release on Compassionate Grounds, 6 March 2023, confidential; F00009, Submission of Additional Information Related to the Registrar's Assessment of Requests for Temporary Release on Compassionate Grounds, 7 March 2023, confidential, with Annexes 1 – 2, confidential.

⁵ CR001/F00011, Gucati Reply re Request for Fifth Custodial Visit on Compassionate Grounds, 9 March 2023, confidential, with one Annex, confidential.

⁶ Decision, paras 29, 30(a).

⁷ Decision, paras 29, 30(b).

identification.⁸ The Single Judge further specified that Mr Gucati must remain at all times within both the sight and earshot of escorting officer(s) and that the chief custody officer may take any decision necessary with regard to the custodial visit on the basis of operational and security concerns, including terminating the visit.⁹ The Single Judge also ordered Mr Gucati, his Counsel, members of his Defence team, and immediate family members and associates to maintain secrecy regarding Mr Gucati's presence in Kosovo, both prior to and during the entirety of Mr Gucati's stay.¹⁰

4. The Single Judge ordered the Registry to provide regular updates throughout the custodial visit and to file a report on the implementation of the Decision within a week of the completion of the custodial visit.¹¹

II. REPORT

5. The secure and temporary transfer of Mr Gucati to Kosovo for the purpose of a custodial visit took place on [REDACTED]. The Registry provided the Panel with regular updates throughout the custodial visit, as specified in the Decision.¹²

6. Following his arrival in Kosovo [REDACTED], Mr Gucati was transported to [REDACTED], where he visited with his mother and ten (10) authorised immediate family members, after verification of identity. [REDACTED]. All visits were carried out within the sight and hearing of the chief custody officer and/or escorting officer(s), with the assistance of a SC interpreter.

7. After the visits were completed, Mr Gucati was transported to the airport, [REDACTED]. Mr Gucati was transferred back to the SC Detention Facilities in The Hague, the Netherlands the same day, [REDACTED]. As ordered by the Single Judge,¹³ Mr Gucati was not alone with any of the above family members at any time,

⁸ Decision, paras 29, 30(c)-(d).

⁹ Decision, para. 30(e)-(f).

¹⁰ Decision, para. 30(j).

¹¹ Decision, para. 34.

¹² Ibid.

¹³ Decision, para. 30(c), (e), (g), (i).

nor did he meet or communicate with any unauthorised persons. Further, he did not have access to communication devices or other means of communication, including pen and paper, other than as facilitated by the SC. In addition, Mr Gucati was not permitted to pass or receive any items to or from any person without prior inspection and approval of the escorting officer(s).

8. While the custodial visit was ongoing, the Registry received various media reports on Mr Gucati's presence in Kosovo, [REDACTED].

9. Mr Gucati abided by the instructions of the chief custody officer and the escorting officers during the custodial visit.

10. Cooperation with external partners was highly effective and ensured a successful operation.

III. CLASSIFICATION

11. This report is filed as confidential and *ex parte* pursuant to Rule 82(4) of the Rules.¹⁴ The Registrar will file a public redacted version of this report.

Word count: 841



Dr Fidelma Donlon

Registrar

Thursday, 13 July 2023

At The Hague, the Netherlands

¹⁴ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').