



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

CASE

INFORMATION SHEET

Case No.

KSC-BC-2020-07/KSC-CA-2022-01/KSC-SC-2023-01

Specialist Prosecutor versus:



Hysni Gucati



Nasim Haradinaj

Current stage:

ENFORCEMENT OF SENTENCE

ACCUSED/CHARGES

Hysni Gucati

Date of birth: 30/03/1967

Position(s) during the period covered by the indictment:

- Chairman of the Kosovo Liberation Army War Veterans Association

Nasim Haradinaj

Date of birth: 21/05/1963

Position(s) during the period covered by the indictment:

- Deputy Chairman of the Kosovo Liberation Army War Veterans Association

Description of charges

The indictment stated that between at least 7 and 25 September 2020, on the occasion of three press conferences and other broadcasted events, as well as through further dissemination, Gucati and Haradinaj revealed, without authorisation, information protected under the law of the Specialist Chambers, including the identifying details of certain (potential) witnesses. Gucati and Haradinaj also made disparaging accusations and remarks against (potential) witnesses and repeatedly expressed their intention to undermine the Specialist Chambers.

Modes of responsibility

Direct commission/Attempt to commit crimes
Co-perpetration/Agreement to commit crimes
Inciting
Assisting

Counts

1. Obstructing official persons in performing official duties, by serious threat (criminal offense against public order)
2. Obstructing official persons in performing official duties, by participating in the common action of a group (criminal offense against public order)
3. Intimidation during criminal proceedings (criminal offense against the administration of justice and public administration)
4. Retaliation (criminal offense against the administration of justice and public administration)
5. Violating secrecy of proceedings, through unauthorised revelation of secret information disclosed in official proceedings (criminal offense against the administration of justice and public administration)
6. Violating secrecy of proceedings, through unauthorised revelation of the identities and personal data of protected witnesses (criminal offense against the administration of justice and public administration)

CONVICTIONS

Trial Judgment, 18 May 2022

The Panel found both accused guilty of counts 1, 2, 3, 5 and 6 while they were found not guilty of retaliation (count 4).

As for the specific modes of liability, Gucati and Haradinaj were found guilty as:

- co-perpetrators for counts 1, 3, 5 and 6
- direct perpetrators for count 2

Sentence: 4,5 years' imprisonment and a fine of 100 EUR each

Appeal Judgment, 2 February 2023

The Panel affirmed Gucati's and Haradinaj's convictions for counts 1, 3, 5 and 6 but acquitted them on count 2.

Sentence: 4 year and 3 months' imprisonment and a fine of 100 EUR each

TIMELINE

Following their arrest by the Specialist Prosecutor, Gucati and Haradinaj were transferred to the Detention Facilities of the Kosovo Specialist Chambers in The Hague on 25 and 26 September 2020.

On 29 September 2020, they appeared, as suspects, before the KSC Single Judge Nicola Guillou, who confirmed the indictment against them on 11 December 2020, after which they became the accused.

Gucati's and Haradinaj's initial appearances as accused took place on 18 December 2020 before the Pre-Trial Judge: Gucati pleaded not guilty to all counts of the indictment whereas Haradinaj chose to enter his plea within 30 days. During his further appearance on 8 January 2021, Haradinaj failed to enter a plea. Accordingly, pursuant to Rule 92(2)(f) of the Rules, the Pre-Trial Judge entered a plea of not guilty on his behalf.

On 16 July 2021, the Pre-Trial Judge transmitted the case file to Trial Panel II. The trial commenced on 7 October 2021 and lasted until 17 March 2022. The trial judgment was pronounced on 18 May 2022: The Panel found both accused guilty and sentenced each of them to four and a half years' imprisonment and a fine of 100 EUR each. Both Gucati and Haradinaj appealed the judgment and the KSC President accordingly assigned the Court of Appeals Panel to deal with the appeals. The SPO did not appeal the judgment.

The appeal judgment was pronounced on 2 February 2023: the Appeals Panel by majority reduced the sentences to four years and three months of imprisonment, with credit for time served, and affirmed the fine of one hundred euros each.

In May 2023, Haradinaj and Gucati filed their requests for protection of legality pursuant to Article 48(6) to (8) of the Law and Rule 193 of the Rules. On 18 September 2023, the Supreme Court rejected the requests.

Following the modification of their sentences by KSC President Trendafilova, Gucati and Haradinaj were conditionally released on 17 October and 14 December 2023, respectively.

CASE STATISTICS

Pre-trial period length	12 months 12 days
Number of trial days in court	32
Number of witnesses in court	14 (4 for SPO; 6 for Gucati; 4 for Haradinaj)
Number of written witness testimonies	18 (12 Gucati Defence; 6 Haradinaj Defence)
Total time before Basic Court	19 months 24 days
Appeal case length	7 months 16 days
Total time at the KSC	Gucati: 3 years 22 days Haradinaj: 3 years, 2 months and 19 days

WHO IS WHO IN THIS CASE

PRE-TRIAL JUDGE



Judge Nicolas Guillou

TRIAL PANEL II



Judge Charles Smith III
(Presiding Judge)



Judge Christoph Barthe



Judge Guénaël Mettraux



Judge Fergal Gaynor
(Reserve Judge)

COURT OF APPEALS PANEL



Judge Michèle Picard
(Presiding Judge)



Judge Kai Ambos



Judge Nina Jørgensen

SUPREME COURT PANEL



Judge Ekaterina Trendafilova
(Presiding Judge)



Judge Christine van den
Wyngaert



Judge Daniel Fransén

SPECIALIST PROSECUTOR'S OFFICE (LEAD COUNSEL)



Valeria Bolici



Matthew Halling



James Pace

DEFENCE TEAMS (LEAD COUNSEL)



Jonathan Elystan Rees
(for H. Gucati)

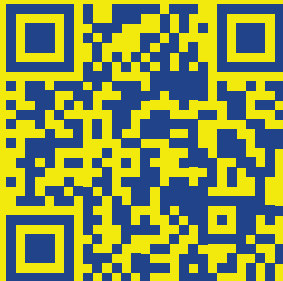


Toby Cadman (for N.
Haradinaj)

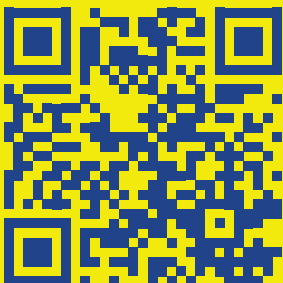
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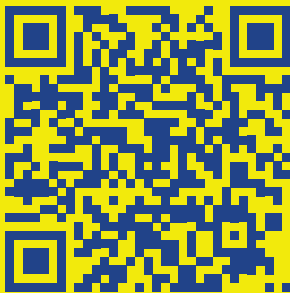
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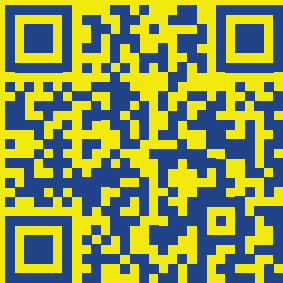
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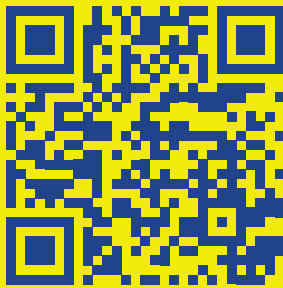
KSC Live Update



KSC Youtube channel



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