



## Case Information Sheet

### Specialist Prosecutor v. Hysni Gucati & Nasim Haradinaj (Case No. KSC-BC-2020-07)

#### HYSNI GUCATI



Chairman of the Kosovo Liberation Army (KLA) War Veterans Association

#### NASIM HARADINAJ



Deputy Chairman of the Kosovo Liberation Army (KLA) War Veterans Association

#### Indictment

Initial indictment confirmed on 11 December 2020, made public on 14 December 2020. The corrected indictment filed on 5 July 2021 and the lesser redacted indictment was filed on 4 October 2021

Please find the latest indictment [here](#).

#### Judges

Pre-Trial Judge: Nicolas Guillou

Trial Panel II: Judges Charles Smith III (presiding), Christoph Barthe, Guénaël Mettraux and Judge Fergal Gaynor (reserve judge)

#### Arrest/Transfer/ Initial appearance

Gucati: arrested on 25 September 2020 in Prishtinë/Priština, Kosovo; transferred to The Hague on the same day; initial appearance on 18 December 2020: he pleaded not guilty to all counts.

Haradinaj: arrested on 25 September 2020 in Prishtinë/Priština, Kosovo; transferred to The Hague on 26 September 2020; initial appearance on 18 December 2020: he chose to enter his plea within 30 days; further appearance on 8 January 2021: failed to enter a plea, the Pre-Trial Judge entered a plea of not guilty on his behalf.

#### Background information

The indictment states 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. According to the indictment, by these actions, Gucati and Haradinaj violated the secrecy of the proceedings, retaliated against and intimidated (potential) witnesses of the Specialist Prosecutor's Office and, as a consequence, obstructed its work and investigations.

#### Charges

Gucati and Haradinaj are charged on the basis of individual criminal responsibility (Article 16(3) of the Law) with:

Criminal offences against the administration of justice and public administration (intimidation during criminal proceedings, retaliation and violating secrecy of proceedings pursuant to Article 15(2) of the Law and Articles 387, 388(1) and 392(1) to (3) of the Criminal Code of Kosovo, Law No. 06/L-074 (2019)); and

Criminal offences against public order (obstructing official persons in performing official duties, pursuant to Article 15(2) of the Law and Article 401(1) to (3) and (5) of the Criminal Code of Kosovo, Law No. 06/L-074 (2019))

**Status**

Trial

## Proceedings before the Kosovo Specialists Chambers

**PRETRIAL PROCEEDINGS**

Following the issuance of warrants by the Single Judge, Gucati and Haradinaj were arrested in Prishtinë/Priština, Kosovo, on 25 September 2020 and transferred to the KSC Detention Unit on 25 and 26 September 2020, respectively.

Haradinaj's and Gucati's first appearances as suspects before the Single Judge, Nicolas Guillou, were held on 29 September 2020 and 1 October 2020, respectively.

On 11 December 2020, Pre-Trial Judge, Nicolas Guillou, confirmed the indictment against the two accused.

Gucati's and Haradinaj's initial appearances took place on 18 December 2020 before the Pre-Trial Judge, Nicolas Guillou. Gucati pleaded not guilty to all counts of the indictment whereas Haradinaj chose to enter his plea within 30 days. During the 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 to all counts of the indictment.

On 27 August 2021, the Specialist Prosecutor's Office filed a public redacted version of its pre-trial brief. The Gucati Defence did the same on 2 September whereas the Haradinaj's Defence filed an "interim" pre-trial brief on 12 July 2021.

On 23 June 2021, the Court of Appeals Panel granted, in part, the appeals by Gucati and Haradinaj in relation to alleged defects in the form of the indictment and ordered that a corrected version of the indictment be filed by the SPO. The corrected indictment was filed on 5 July 2021.

The trial preparation conference in this case was held on 1 and 2 September, followed by the SPO preparation conference on 8 September 2021.

**TRIAL PROCEEDINGS**

The trial commenced on 7 October 2021 with the opening statement of the Specialist Prosecutor. On 10 November 2021, the SPO closed its case. The Defence case is (tentatively) scheduled to commence on 6 December 2021.

**Defence Counsel**

Gucati: Jonathan Elystan Rees (Counsel), Huw Bowden (Co-Counsel) and Eleanor Stephenson (Co-Counsel)

Haradinaj: Toby Cadman (Counsel), Carl Buckley (Co-Counsel) and Jonathan Peter Worboys (Co-Counsel)