

KOSOVO SPECIALIST CHAMBERS &
SPECIALIST PROSECUTOR'S OFFICE

2021 REPORT



KOSOVO SPECIALIST CHAMBERS &
SPECIALIST PROSECUTOR'S OFFICE

The Kosovo Specialist Chambers and Specialist Prosecutor's Office were established pursuant to an international agreement ratified by the Kosovo Assembly, a Constitutional Amendment and the Law on Specialist Chambers and Specialist Prosecutor's Office.

They are of temporary nature with a specific mandate and jurisdiction over crimes against humanity, war crimes and other crimes under Kosovo law, which were commenced or committed in Kosovo between 1 January 1998 and 31 December 2000 by or against citizens of Kosovo or the former Federal Republic of Yugoslavia.

The Kosovo Specialist Chambers and the Specialist Prosecutor's Office have a seat in The Hague, the Netherlands. Their staff is international, as are the Judges, the President, the Registrar and the Specialist Prosecutor.

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Kosovo Specialist Chambers



Foreword

We are pleased to present the 2021 annual report of the Kosovo Specialist Chambers (KSC). While the COVID-19 pandemic remained a constant challenge throughout the past year, the KSC nevertheless continued to reach significant milestones. Following the arrest of one further accused in March 2021, there are now a total of eight accused in the KSC's custody, who have been indicted for alleged crimes and offences falling within the KSC's jurisdiction in four different cases. Of these four cases, two have progressed to trial and two remain at the pre-trial stage. These extraordinary achievements, undertaken in an efficient manner, would not have been possible without the dedication and professionalism of the KSC Judges and all KSC staff members. The significant increase in workload took place notwithstanding the very real challenges posed by COVID-19, both on a personal and professional level, and the tremendous commitment of the Judges and staff members is deeply appreciated.

With four cases involving eight accused, the judicial activities of the KSC have further increased over the course of 2021. Two of these cases have moved to trial, while the two other cases remain at the pre-trial stage. Of the two cases that commenced trial, the Specialist Prosecutor concluded his case in one and the Defence started its case by the end of 2021. Appeals Panels have been seised with an increasing amount of appeals throughout the year by seven of the accused spanning three different cases.

The KSC has seen other judicial activity as well. The Judges held their annual plenary in March via video-conference during which the Judges were updated on relevant institutional matters and engaged with different topics on the agenda of the plenary session.

In addition to the judicial activity, we also travelled to Kosovo in September to meet civil society, media, the KSC Court Information Network (CIN) and others in order to provide information about the work of

the KSC, hear views and answer questions. We are grateful to all those who joined us at these meetings in person or via video-conference and very much appreciate the feedback we received at these gatherings.

The Outreach team continued to host a wide range of events mainly via video-conference, with a variety of different members of the Kosovo civil society. The KSC further met several times with the CIN, which provided invaluable feedback on the content and effectiveness of the court's Outreach programme. We are very grateful in this respect to the government of Switzerland, which has made the KSC's Outreach activities in Kosovo possible through its financial support. We take this opportunity to express our appreciation to the government of Switzerland for its renewed commitment to support Outreach efforts by agreeing to continue to fund activities during 2022-2023.

With the steady increase in judicial activities at the KSC, there has been a surge in interest in its activities as well. The KSC remains committed to ensuring easy and transparent access to information about its proceedings. To that end, the KSC has included on its website a live update feed, with links to relevant public filings and court proceedings, which are streamed live, with some delay, in the three official languages of the court. Following feedback received during our mission to Kosovo, the KSC also commenced weekly press briefings, during which the court informs about the developments in the proceedings that week and answers questions posed by the media. In addition, the court also started broadcasting public hearings on the KSC YouTube channel.

We are delighted that in addition to making the public court documents available on the KSC's website in the Public Court Records database, an agreement was signed with the Centre for International Law Research and Policy to also make the court's public court records available through the

Legal Tools Database of the International Criminal Court, a leading online international criminal law database.

In the 2019 Anti-Harassment Strategy, the KSC reiterated its commitment to take all necessary measures to prevent and address harassment in the workplace and to promote a culture of dignity and mutual respect. The provision of specialised training on the prevention of psychological and sexual harassment is an integral element of the Strategy, which was completed by 95% of all first and second line managers as well as the members of the Staff Representative Body.

We wish to extend our sincere appreciation to the Member States of the European Union (EU) and Third Contributing States, whose steadfast support has ensured that the KSC was able to achieve all that it did over the course of 2021. We are similarly grateful to the EU Rule of Law Mission in Kosovo for their invaluable support during complex operations and to the Kosovo police for their assistance in this respect as well.

Judge Ekaterina Trendafilova
President of the Kosovo Specialist Chambers

The Hague, December 2021

We equally wish to express our appreciation to the KSC's counterparts at the EU External Action Service, the European Commission Service for Foreign Policy Instruments and the Civilian Planning and Conduct Capability for their assistance and cooperation with the KSC over the course of 2021.

We are further grateful to States, members of the diplomatic community as well as international and internationalised courts and tribunals in The Hague for their cooperation and regular constructive exchanges on organisational and administrative matters. This cooperation also extends in some cases to the exchange of staff. In 2021, based on a Memorandum of Understanding with the Special Tribunal for Lebanon, we were glad to be able to share knowledge and expertise with another court by loaning staff to each other.

We look forward to the year ahead, as the KSC continues to undertake its proceedings in a secure, independent, impartial, fair and efficient manner, in accordance with its mandate.

Dr Fidelma Donlon
Registrar of the Kosovo Specialist Chambers

KSC at a glance

In June 2008, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe appointed a special rapporteur to investigate allegations of serious crimes committed during and in the aftermath of the 1998-1999 conflict in Kosovo.

In January 2011, the Parliamentary Assembly of the Council of Europe, through Resolution 1782 (2011), adopted the report prepared by the special rapporteur (Council of Europe Report), which alleged that numerous crimes were committed against Serbs, Kosovo Albanians suspected of being collaborators, and other individuals.

Further to the Council of Europe Report, in May 2011, EU Member States considered the matter in the framework of the Political and Security Committee, a body dealing with the EU Common Foreign and Security Policy. Thereupon, the Special Investigative Task Force (SITF) was established and mandated to conduct an independent investigation into allegations of unlawful detention, deportation, inhumane acts, torture and killings, as well as any other crimes related to the Council of Europe Report. Based in Brussels, the SITF commenced its operations in September 2011.

Whilst this investigation was ongoing, in an Exchange of Letters between the President of Kosovo and the High Representative of the European Union for Foreign Affairs and Security Policy in April 2014, an international agreement was reached for the establishment and operation of separate judicial chambers and specialist prosecutor's office for the prosecution and adjudication of crimes arising from SITF investigations.

The Exchange of Letters provides that these dedicated and separate judicial chambers would be established in accordance with Kosovo law. These judicial chambers and the specialist prosecutor's office would be governed by their own statute and rules of procedure and evidence, while being staffed and managed by international staff only. The Exchange of Letters also states that the separate judicial chambers would have a seat in a third state and that sensitive proceedings, including hearing of witnesses, would take place outside Kosovo. The Exchange of Letters was ratified in April 2014 by the Kosovo Assembly with a two-thirds majority and incorporated into domestic law. It has superiority over the laws of Kosovo.

In July 2014, the SITF Chief Prosecutor issued a statement, concluding that the SITF "will be in a position to file an indictment against certain senior officials of the former Kosovo Liberation Army".

In March 2015, the President of the Kosovo Assembly referred to the Kosovo Constitutional Court a constitutional amendment proposed by the Kosovo government to implement the Exchange of Letters. According to the Constitution, the Kosovo Constitutional Court had to assess whether the proposed amendment diminished any of the rights and freedoms guaranteed by Chapter II of the Constitution. In April 2015, the Kosovo Constitutional Court held that the amendment proposal was in conformity with the Kosovo Constitution and held that "[t]he structure, scope of jurisdiction and functioning of the Specialist Chambers will be regulated by further laws in compliance with the Constitution".

This amendment was implemented through Article 162 of the Kosovo Constitution, adopted by the Kosovo Assembly in August 2015. At the same time, the Law on the establishment of both institutions was also adopted, which serves as the foundational instrument for the Kosovo Specialist Chambers (KSC) and the Specialist Prosecutor's Office (SPO).

In **April 2016**, Dr Fidelma Donlon was appointed Registrar of the KSC, marking the commencement of the work of the Registry in The Hague.

In **September 2016**, Mr David Schwendiman was appointed Specialist Prosecutor.

In **December 2016**, Judge Ekaterina Trendafilova was appointed President of the KSC. She took office in January 2017.

On **1 January 2017**, the Host State Agreement between Kosovo and the Netherlands entered into force, allowing the KSC to conduct criminal proceedings in the Netherlands.

Subsequently, in **February 2017**, 19 Judges were appointed to the Roster of International Judges of the Kosovo Specialist Chambers. In **March 2017**, during the first plenary, the KSC Judges adopted the Rules of Procedure and Evidence.

After a constitutional review by the Specialist Chamber of the Constitutional Court, the Rules of Procedure and Evidence entered into force in **July 2017**, rendering the KSC fully judicially operational.

In **November 2017**, the Registrar adopted the Directive on Counsel regulating matters such as the eligibility of lawyers to represent suspects, accused and victims before the KSC. Since then, 215 legal practitioners from Kosovo, Serbia and a number of other countries have been admitted to the Lists of Defence and Victims' Counsel.

In **May 2018**, Mr Pietro Spera was appointed Ombudsperson of the KSC.

In **June 2018**, the Court Information Network comprising of local NGOs from Kosovo and Serbia was established.

In **September 2018**, Mr Jack Smith succeeded Mr David Schwendiman as Specialist Prosecutor.

In **March 2019**, the Judges of the KSC convened for the fourth plenary. In that same month, the Code of Professional Conduct for Counsel and Prosecutors before the KSC was adopted.

In **June 2019**, the KSC and the SPO moved to their new premises in The Hague.

In **February** and **April 2020**, the Specialist Prosecutor filed the first indictments.

In **April 2020**, Registrar Fidelma Donlon was reappointed for another term of four years.

In **September 2020**, six new Judges were sworn in, the Specialist Prosecutor arrested the first accused, Mr Salih Mustafa, for alleged war crimes and the Specialist Prosecutor arrested Mr Hysni Gucati and Mr Nasim Haradinaj for alleged crimes against the administration of justice.

In **November 2020**, the Specialist Prosecutor arrested Messrs Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi for alleged crimes against humanity and war crimes.

In **December 2020**, President Ekaterina Trendafilova was reappointed for a term of four years.

On **16 March 2021**, Mr Pjetër Shala was arrested in Belgium and transferred to the KSC Detention Facilities on **15 April 2021**.

On **5 May 2021**, the President assigned Trial Panel I to the case of the *Specialist Prosecutor v. Salih Mustafa*, which commenced trial proceedings on **15 September 2021** with the opening statement of the Specialist Prosecutor.

On **15 July 2021**, the President assigned Trial Panel II to the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*, which commenced trial proceedings on **7 October 2021** with the opening statement of the Specialist Prosecutor.

Timeline



JANUARY 2011

The Council of Europe (CoE) Parliamentary Assembly approves a Report on “Inhuman treatment of people and illicit trafficking in human organs in Kosovo”.

SEPTEMBER 2011

The Special Investigative Task Force (SITF), established by the EU to conduct criminal investigations into the allegations of the CoE Report, commences its work.

APRIL 2014

The Kosovo President and the High Representative of the EU for Foreign Affairs and Security Policy exchange letters on the establishment of “separate judicial chambers”.

AUGUST 2015

The Kosovo Assembly adopts Article 162 of the Kosovo Constitution and the Law on Specialist Chambers and Specialist Prosecutor’s Office.



DECEMBER 2016

Judge Ekaterina Trendafilova is appointed President of the KSC.

SEPTEMBER 2016

Mr David Schwendiman is appointed Specialist Prosecutor.



APRIL 2016

Dr Fidelma Donlon is appointed Registrar of the KSC, marking the commencement of the work of the judicial institution in The Hague.

JANUARY 2017

The Host State Agreement between Kosovo and the Netherlands enters into force, allowing the KSC to conduct criminal proceedings in the Netherlands.

**FEBRUARY 2017**

19 Judges are appointed to the Roster of International Judges.

MARCH 2017

Judges adopt the Rules of Procedure and Evidence, subject to review by the Specialist Chamber of the Constitutional Court.

JULY 2017

Following the constitutional review conducted by the Specialist Chamber of the Constitutional Court, the Rules of Procedure and Evidence enter into force and the KSC becomes judicially operational.

**SEPTEMBER 2018**

Mr Jack Smith succeeds Mr David Schwendiman as Specialist Prosecutor.

**MAY 2018**

Mr Pietro Spera is appointed Ombudsperson of the KSC.

NOVEMBER 2017

The Registrar adopts the Directive on Counsel regulating matters such as the eligibility of lawyers to represent suspects, accused and victims before the KSC.

Timeline



JUNE 2019

The KSC and the SPO move to their new premises.

FEBRUARY AND APRIL 2020

The Specialist Prosecutor files the first indictments.



APRIL 2020

Registrar Fidelma Donlon is reappointed for another term of four years.



Judge Fergal Gaynor
(Ireland)



Judge Nina Jørgensen
(Norway)



Judge Gilbert Bitti
(France)



Judge Daniel Fransen
(Belgium)



Judge Roumen Nenkov
Constitutional Judge
(Bulgaria)



Judge Romina Incutti
Reserve Constitutional
Judge (Italy)

SEPTEMBER 2020

Six new Judges are sworn in and the Specialist Prosecutor arrests Mr Salih Mustafa for alleged war crimes and then Mr Hysni Gucati and Mr Nasim Haradinaj for alleged crimes against the administration of justice.

NOVEMBER 2020

The Specialist Prosecutor arrests Messrs Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi for alleged crimes against humanity and war crimes.

**DECEMBER 2020**

President Ekaterina Trendafilova is reappointed for a term of four years.

**MARCH AND APRIL 2021**

Mr Pjetër Shala is arrested in Belgium and transferred to the KSC Detention Facilities.

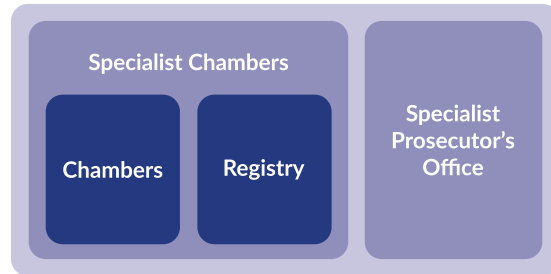
**OCTOBER 2021**

Trial proceedings in the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj* start.

**SEPTEMBER 2021**

Trial proceedings in the case of the *Specialist Prosecutor v. Salih Mustafa* start.

The Kosovo Specialist Chambers (KSC) and the Specialist Prosecutor's Office (SPO) are two **independent** institutions established following an **Exchange of Letters** in accordance with Kosovo law and through a **constitutional amendment** in 2015. The **Law on Specialist Chambers and Specialist Prosecutor's Office** (Law) was adopted by the Kosovo Assembly in August 2015.



■ The **mandate** of the KSC is

- “To ensure secure, independent, impartial, fair and efficient criminal proceedings in relation to allegations of grave trans-boundary and international crimes committed during and in the aftermath of the conflict in Kosovo, which relate to those reported in the Council of Europe Parliamentary Assembly Report [...] and which have been the subject of criminal investigation by the Special Investigative Task Force” (Article 1 of the Law).

■ The KSC is established in accordance with the **Exchange of Letters** and **Kosovo law**

- having the **same court levels** as the Kosovo judicial system (basic, appeal, supreme, constitutional)
- having a **seat outside Kosovo**
- having Judges and staff who are citizens of **EU Member States or Third Contributing States**
- applying **international customary law** and **domestic substantive criminal law** as provided for in the Law
- applying its **own rules of procedure and evidence**.

■ The KSC is a **temporary** judicial institution

- it will only be in existence for the time necessary to deal with charges presented by the Specialist Prosecutor and until Kosovo is notified by the EU Council that investigations and proceedings have concluded.

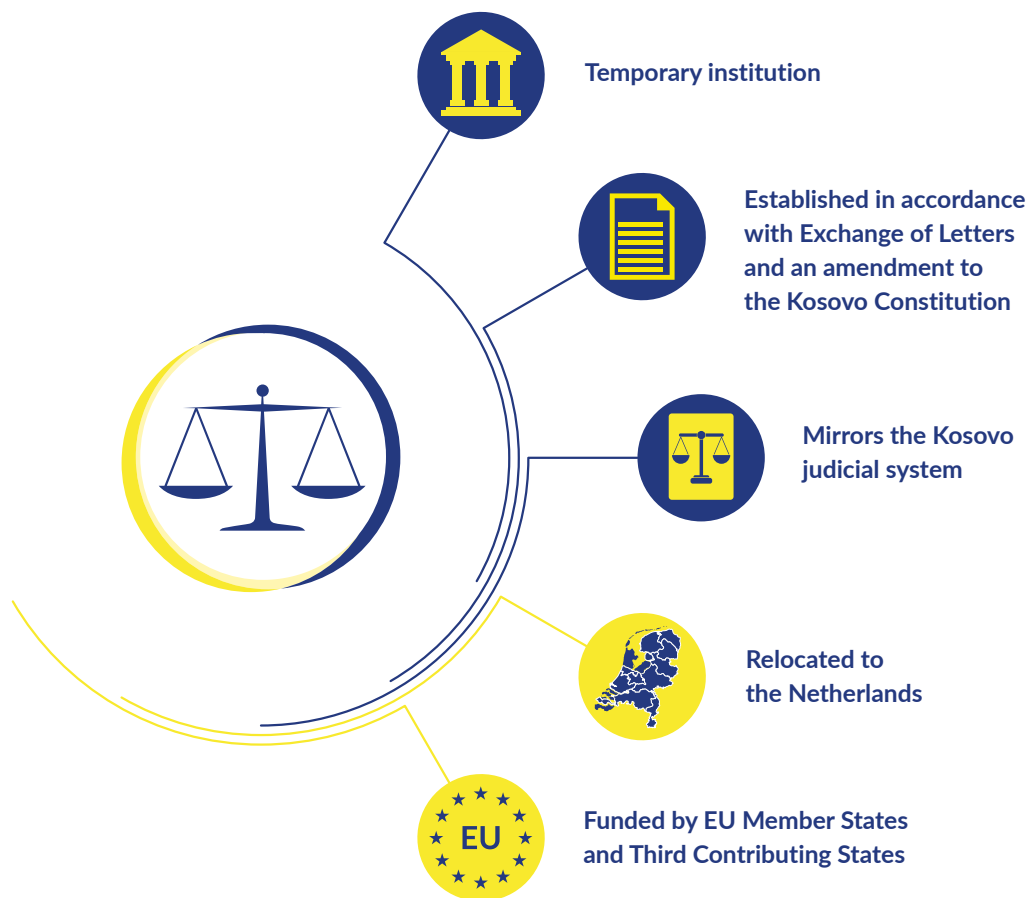
■ The **jurisdiction** of the KSC covers

- crimes against humanity, war crimes and other crimes under the applicable criminal law at the time the crimes were committed
 - that occurred between 1 January 1998 and 31 December 2000
 - either commenced or committed in Kosovo, or committed by or against persons of Kosovo/Federal Republic of Yugoslavia citizenship
- certain crimes against the administration of justice when they relate to its official proceedings and/or officials.

■ The KSC deals with **individual criminal responsibility only** - groups or organisations cannot be put on trial.

■ The KSC allows **victims' participation** in proceedings.

- The KSC and the SPO are funded by EU Member States and Third Contributing States, and are independent in the fulfilment of their mandate and work.
- The official languages of the KSC and the SPO are Albanian, Serbian and English.
- The KSC has an **Ombudsperson**, who acts independently to monitor, defend and protect the fundamental rights and freedoms of persons **interacting with the KSC and the SPO**, including by
 - operating a complaints procedure, which individuals can make use of if
 - the complaint involves an interaction between the complainant and the KSC or the SPO
 - there is undue delay in a proceeding before the KSC
 - all other remedies have been exhausted
 - the complaint has been filed within six months of the alleged violation
 - entering and inspecting the KSC Detention Facilities to assess the conditions of detention at any time and without notice.







COVID-19 Measures

Mid-March 2021 marked one year since the KSC and the SPO implemented remote working arrangements for the majority of their staff due to the COVID-19 pandemic. The decision to only have a limited number of staff at the premises remained in place for a large part of the year. The Information Technology Services Unit (ITSU) continued to increase the system capacity allowing for the remote work of up to 400 users during the peak of remote work in 2021.

The internal regulations were regularly updated to ensure the safety and wellbeing of all staff, contractors and interns, persons affiliated with the organisations, such as witnesses and detainees, as well as those visiting the premises. Any new measures adopted or changes made as required due to advice and recommendations from the Dutch government, were communicated to staff by the Head of Administration through the dedicated COVID-19 contact point. The KSC and the SPO remained fully operational for all judicial and administrative functions throughout the year as a result of the measures put in place and the dedication and motivation of its staff.

To allow persons to attend the public hearings at the KSC premises, prevention and mitigation measures remained in place. These included health-screening questions, wearing of face masks and seating in the public gallery in accordance with the social distancing rule. In the courtroom, separation screens were in place and face masks remained required in some situations.

The duty of care of the KSC naturally extends to the detainees held at its Detention Facilities in The Hague as well as the staff working there. The Registrar together with the Detention Management Unit (DMU) team maintained extremely close contact and cooperation with the Medical Officer to ensure that all DMU procedures are up to date and ensure a safe environment. The Registrar also engaged with

the Host State to request prioritisation of detainees in the national COVID-19 vaccination programme.

On 14 September, the Host State announced that the majority of its COVID-19 mitigation measures would be lifted as of 25 September. The KSC and the SPO nevertheless maintained the measures in place, while also allowing a growing number of staff necessitated by the increased judicial activity to return to the office.

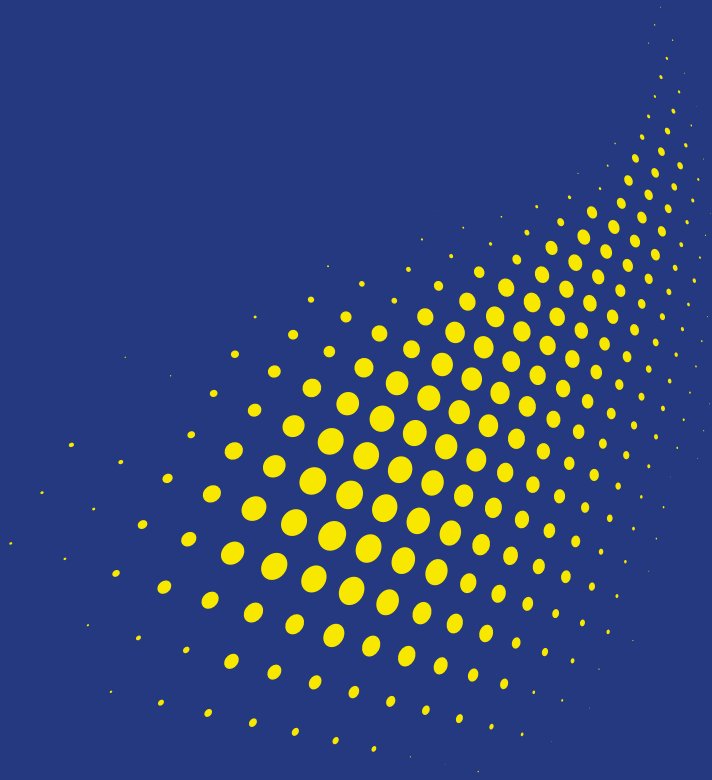
On 5 October, the Principals announced through a staff meeting the launch of Phase 2 of the KSC and the SPO response to the pandemic, which involved a gradual safe return of all staff to the premises in The Hague. The phased approach was aimed at welcoming all staff to the office on a full-time basis by early 2022. However, Host State announcements in November following a resurgence of COVID-19 infections in the Netherlands, led to the temporary suspension and postponement of the return to the office plan. The following COVID-19 prevention measures remained in place for those working on premises: the wearing of face masks while at the premises; social distancing; maximising the use of video-conferencing when meeting with external parties; regular washing and disinfecting of hands; and self-monitoring of COVID-19 symptoms.

The KSC and the SPO remained abreast of developments and stood ready to amend their response as necessary. Close contact with the Dutch authorities continued in this respect to ensure adherence to all national public health measures and recommendations.

The President, the Registrar and the Specialist Prosecutor conveyed a weekly message to staff, in an effort to inform them of the key developments of that week, support and maintain motivation, as well as to recognise the staff's continued commitment. With the increased number of staff at the premises, after 85 weeks the last weekly message was sent in November.



Chambers



1 | Judicial Activities

The Kosovo Specialist Chambers (KSC) has reached a number of significant judicial milestones over the course of 2021, with the arrest in March and transfer in April of the eighth accused and the start of two trial proceedings in the cases of *the Specialist Prosecutor v. Salih Mustafa* and *the Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj* in September and October, respectively. These milestones were reached notwithstanding the ongoing COVID-19 pandemic and are a reflection of the professionalism, determination and unwavering commitment of the KSC Judges and the staff supporting them.

A variety of panels were seised with judicial activity during 2021, including the Pre-Trial Judge, who is assigned to two ongoing cases, two Trial Panels for two trial proceedings and Court of Appeals Panels, which have issued decisions on interlocutory appeals arising out of these proceedings. In addition, the President also issued a number of decisions in relation to requests for recusal and/or disqualification. In all, the Judges of the KSC have issued close to 800 decisions and orders over the course of 2021, of which over 130 orally.

PROCEEDINGS BEFORE THE TRIAL PANELS

The KSC saw the start of its first two trial proceedings in 2021, out of which one progressed to the presentation of evidence by the Defence by the end of 2021.

I.

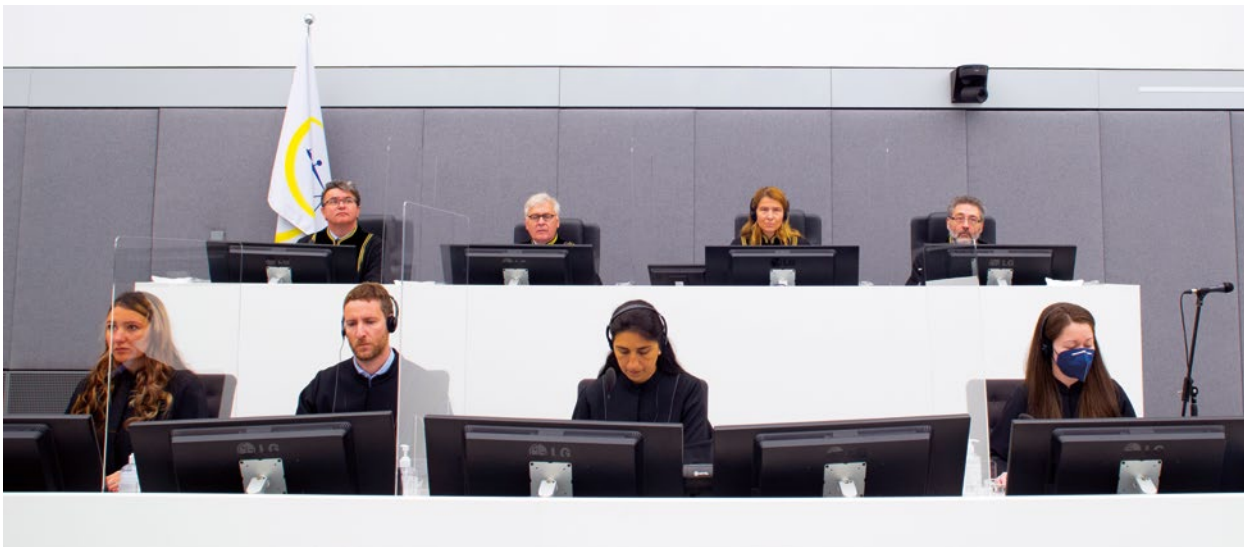
Specialist Prosecutor v. Salih Mustafa

The first case at the KSC to proceed to trial is the case against Mr Salih Mustafa. The indictment charges Mr Mustafa with four counts of war crimes (arbitrary detention, cruel treatment, torture and murder) committed in April 1999. According to the indictment, Mr Mustafa was the commander of a guerrilla unit within the Llap operational zone of the Kosovo Liberation Army (KLA) during the relevant period.



Mr Salih Mustafa at the trial preparation conference, 9 June 2021

On 5 May, the President assigned Judges Mappie Veldt-Foglia (presiding), Roland Dekkers, Gilbert Bitti and Vladimir Mikula (reserve) to Trial Panel I. The assignment followed the Pre-Trial Judge's notification that the case file would be ready for transmission to a Trial Panel on 7 May.



Opening statements in the Mustafa case, 15 September 2021

The trial proceedings commenced with the opening statements of the Specialist Prosecutor and Victims' Counsel on 15 September. By the end of December, the Specialist Prosecutor called 10 witnesses. Nine individuals were admitted to participate as victims in

the proceedings and Trial Panel I extended the deadline for victims to apply until the closing of the Specialist Prosecutor's case. A total of eight individuals are currently still participating as victims in this case.

The protection of the safety, physical and psychological well-being, dignity and privacy of the victims must be understood as an essential part of the personal interests and rights of victims, although it is not expressly mentioned in Article 22 of the Law.

[KSC-BC-2020-05/F00152, Decision on Victims' Procedural Rights during Trial, 12 July 2021, para. 11.](#)

II.

Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj

The second case before the KSC to proceed to trial is that of Mr Hysni Gucati and Mr Nasim Haradinaj. Both are charged with four offences against the administration of justice and public administration and two offences against public order, namely obstructing official persons in performing official duties by serious threat, intimidation, retaliation and violating the secrecy of the proceedings.

On 15 July, the President assigned Judges Charles Smith, III (presiding), Christoph Barthe, Guénaël Mettraux and Fergal Gaynor (reserve) to Trial Panel II. The assignment followed the Pre-Trial Judge's notification that the case file would be ready for transmission to a Trial Panel on 16 July.



Trial Panel II during the opening statements in the Gucati and Haradinaj case, 7 October 2021

The trial proceedings commenced with the opening statement of the Specialist Prosecutor on 7 October. The Specialist Prosecutor called four witnesses and closed his case on 10 November. On 26 November, Trial Panel II denied the motions filed by Messrs

Gucati and Haradinaj for the dismissal of the charges against them pursuant to Rule 130 of the Rules of Procedure and Evidence (Rules) and in a later decision reiterated the importance of public proceedings.

The legal and regulatory framework of the Specialist Chambers (“SC”) provides that proceedings shall in principle be public, unless the pursuit of a competing legitimate interest warrants an exception to that principle. The Panel notes that the principle of publicity not only safeguards the fundamental rights of the Accused to a public and fair trial, but also ensures trust in the judicial process through transparency, thereby constituting an important safeguard against arbitrariness.

KSC-BC-2020-07/F00303, Decision on the Prosecution Request for Protective Measures, 7 September 2021, para. 9.

The Defence case commenced on 3 December, when Counsel for Mr Gucati delivered his opening statements. Mr Gucati was called by the Defence as the first witness on 6 December. The Defence called

its sixth witness by the middle of December. The Defence for Mr Haradinaj gave its opening statement on 15 December and was scheduled to start with the presentation of its evidence on 11 January 2022.



Mr Hysni Gucati during the opening statements of the Specialist Prosecutor, 7 October 2021



Mr Nasim Haradinaj during the opening statement of the Specialist Prosecutor, 7 October 2021

PROCEEDINGS BEFORE THE PRE-TRIAL JUDGE

The Pre-Trial Judge was actively engaged over the course of 2021 and took all measures necessary for the expeditious advancement and preparation of the cases for trial, in accordance with Rule 95(2) of the Rules. At the start of the year, the Pre-Trial Judge was seised with all four cases currently before the KSC. By the summer of 2021, the Pre-Trial Judge had

completed the pre-trial proceedings in two cases and transferred these to the assigned Trial Panels (i.e. the *Specialist Prosecutor v. Mustafa* and the *Specialist Prosecutor v. Gucati and Haradinaj*). By the end of 2021, the Pre-Trial Judge remained seised of two cases.

I. Specialist Prosecutor v. Hashim Thaçi et al.

The pre-trial proceedings in the Specialist Prosecutor v. Hashim Thaçi et al. case were ongoing by the end of 2021. The indictment charges Mr Hashim Thaçi, Mr Kadri Veseli, Mr Rexhep Selimi and Mr Jakup Krasniqi with 10 counts of war crimes and crimes against humanity.

The Pre-Trial Judge has issued a wide range of decisions and orders over the course of 2021 ranging from matters related to disclosure and victims' participation to the detention of the accused, the establishment and jurisdiction of the KSC as well as defects in the form of the indictment.

The Pre-Trial Judge notes that the right to be tried by a tribunal established by law is an absolute right and cannot be limited.

KSC-BC-2020-06/F00450, Decision on Motions Challenging the Legality of the SC and SPO and Alleging Violations of Certain Constitutional Rights of the Accused, 31 August 2021, para. 86.



Pre-trial proceedings in the Thaçi et al. case, 14 September 2021

The Pre-Trial Judge admitted 20 individuals as participating victims and the process to apply for victim status in this case remains open.

II.

Specialist Prosecutor v. Pjetër Shala

The fourth case is that involving Mr Pjetër Shala, who allegedly was a member of the KLA stationed in Kukës, Albania. Mr Shala was arrested on 16 March in Belgium and transferred to the KSC on 15 April 2021. He is charged with four counts of war crimes, which allegedly took place between approximately 17 May 1999 and 5 June 1999 against persons

detained at the Kukës Metal Factory (Albania) allegedly used by the KLA.

At his initial appearance on 19 April, Mr Shala pleaded not guilty to all the charges against him in the indictment.



Initial appearance in the Shala case, 19 April 2021

The pre-trial proceedings in this case are progressing in an expeditious manner, with the Pre-Trial Judge having issued a variety of decisions and orders, including in relation to the detention of Mr Shala, victims' participation and the jurisdiction of the KSC.

The Pre-Trial Judge admitted one individual as a participating victim and the process to apply for victim status in this case remains open.



Mr Pjetër Shala at his initial appearance, 19 April 2021

The Pre-Trial Judge recalls that, in accordance with Articles 21(4)(a) and 38(4) of the Law, as well as Rule 86(3) of the Rules, an indictment must set forth with sufficient specificity and clarity the facts underpinning the charges and the crimes, including the modes of liability charged. Such specificity and clarity must ensure that the indictment, as a stand-alone document, provides an accused with sufficient information to understand clearly and fully the nature and cause of the charges against him, with a view to preparing an adequate defence.

KSC-BC-2020-04/RED/F00089, Public Redacted Version of Decision on Motion Challenging the Form of the Indictment, 18 October 2021, para. 25.

PROCEEDINGS BEFORE THE COURT OF APPEALS

With the extensive progress made in the four cases, Panels of the Court of Appeals have also been seised with a wide range of appeals in 2021, filed by seven of the eight accused across three different cases. They have issued decisions confirming the continued

detention of a number of accused, and have addressed matters related to disclosure obligations, victims' participation, and challenges to the form of the indictment as well as the jurisdiction of the Specialist Chambers.

[A]ny analysis of pre-trial detention must take the presumption of innocence as its starting point. It follows, first, that pre-trial detention cannot be maintained lightly. Second, the burden of demonstrating that pre-trial detention is necessary is on the SPO.

KSC-BC-2020-06/IA002,F00005/RED, Public Redacted Version of Decision on Jakup Krasniqi's Appeal Against Decision on Interim Release, 30 April 2021, para. 23.

The possibility of ensuring minimum standards for real and meaningful victim participation is related to the implementation of sound participation mechanisms in accordance with the legal framework of the respective tribunal. Otherwise, the extensive participation of victims can easily become a mere symbolic act without real impact on the effective realisation of victims' rights to truth and justice.

KSC-BC-2020-06/IA005/F00008, Decision on Appeal Against "First Decision on Victims' Participation", 16 July 2021, para. 26

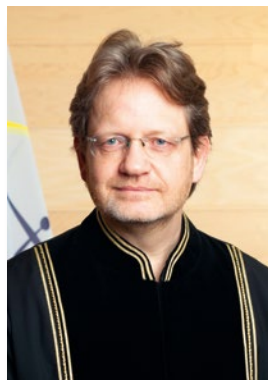
Judges assigned to Court of Appeals Panels over the course of 2021



Judge Michèle Picard
(France)



Judge Emilio Gatti
(Italy)



Judge Kai Ambos
(Germany)



Judge Nina Jørgensen
(Norway)

REQUESTS FOR DISQUALIFICATION

During 2021, the President issued a number of decisions on requests for her disqualification, as well as for the disqualification of two Judges. These disqualification requests followed her presentation before European Union (EU) Member States representatives in December 2020 and in The Hague in February 2021. The disqualification requests for the other two Judges were based on one Judge's

previous employment and another Judge's assignment by the President to an appeal.

These requests were dealt with in accordance with the KSC's legal framework and were ultimately denied, allowing the proceedings to continue uninterrupted.

[N]either the Law nor the Rules foresee disqualification by a party of the President exercising his or her administrative authority, let alone the issuance of prospective administrative decisions or orders.

KSC-BC-202007/F00272, Decision on the Application for Recusal or Disqualification, 6 August 2021, para. 22.

2 | Activities of the President and the Judges

The Judges of the KSC are appointed to a Roster of International Judges (Roster) and exercise judicial functions as necessary and only at the request of the President. In accordance with Article 26 of the Law on the Specialist Chambers and the Specialist Prosecutor's Office (Law), the Judges appointed to the Roster do not receive remuneration or other benefits by virtue of this appointment but only if they are assigned by the President to exercise official functions. Once assigned, Judges exercise functions remotely insofar as possible.

ANNUAL PLENARY

On 19 March, the Judges gathered for their sixth plenary, which they again conducted via video-conference in view of the COVID-19 pandemic. During the plenary, the Judges were updated by the President and heard presentations relevant to the KSC and their involvement in the fulfilment of its mandate.



3 | External Activities

Over the course of 2021, President Trendafilova ensured that members of the public as well as stakeholders were kept abreast of the KSC's activities. To this end, the President met representatives of EU institutions, EU Member States, Third Contributing States, the Host State, Kosovo members of civil society, and NGO's.



President Trendafilova

On 11 February, the President updated EU Member States and Third Contributing States via video-conference on key developments at the KSC. The EU Member States and Third Contributing States reiterated their strong support for the work of the institution for which the President was grateful.

The President further appeared in person before the EU Political and Security Committee on 27 October in Brussels, during which she briefed the Member States on the KSC's judicial activities and responded to questions posed by EU Member States.

To further strengthen the KSC's relationship with other external stakeholders and with civil society, the President conducted meetings (mostly via video technology) with members of the diplomatic, legal, and academic communities. The President further gave interviews to a wide range of media outlets, during which she touched upon the mandate and the work of the KSC, including during her mission with the Registrar to Kosovo in September.

The independence of judges is a fundamental principle of the judicial profession. It is reflected in all international and regional instruments related to the judiciary, as well as in the solemn declaration we, the Judges of the Specialist Chambers, make before taking office. This declaration is of essential importance to every one of us and informs us in everything that we do at the Specialist Chambers.

President Trendafilova, Interview ABC News Albania, 14 April 2021

Judges on the Roster of International Judges



Judge Ekaterina Trendafilova
President
(Bulgaria)



Judge Charles L. Smith III
Vice-President
(United States of America)



Judge Vidar Stensland
Constitutional Judge
(Norway)



Judge Antonio Balsamo
Constitutional Judge
(Italy)



Judge Roumen Nenkov
Constitutional Judge
(Bulgaria)



Judge Romina Incutti
Reserve Constitutional Judge
(Italy)



Judge Christine van den Wyngaert
(Belgium)



Judge Michèle Picard
(France)



Judge Thomas Laker
(Germany)



Judge Emilio Gatti
(Italy)



Judge Roland Dekkers
(Netherlands)



Judge Michael Bohlander
(Germany)



Judge Kai Ambos
(Germany)



Judge Kenneth Roberts
(Canada)



Judge Mappie Veldt-Foglia
(Netherlands)



Judge Christoph Barthe
(Germany)



Judge Vladimír Mikula
(Czech Republic)



Judge Guénaél Mettraux
(Switzerland)



Judge Nicolas Guillou
(France)



Judge Gilbert Bitti
(France)



Judge Daniel Franssen
(Belgium)

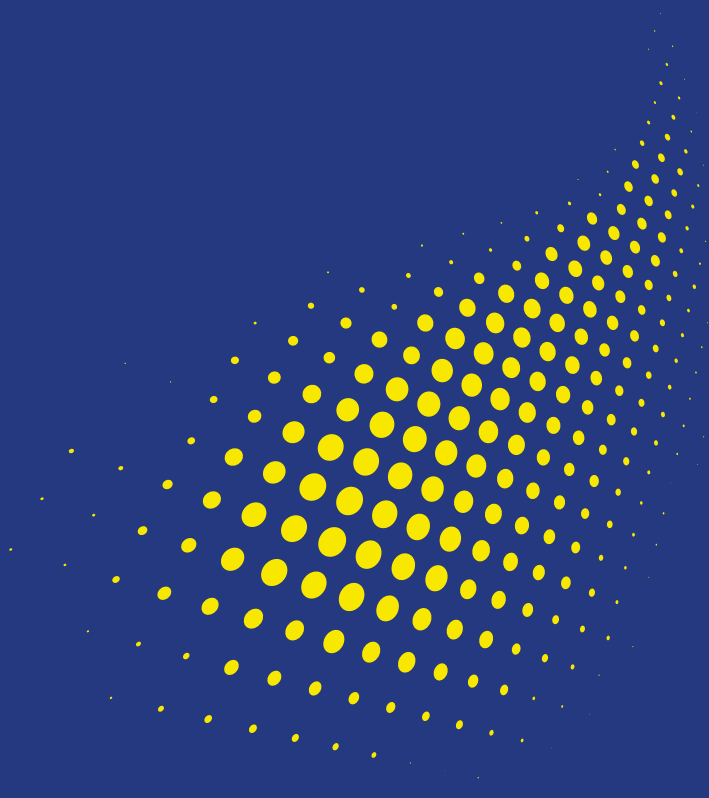


Judge Fergal Gaynor
(Ireland)



Judge Nina Jørgensen
(Norway)

External Relations



External Relations

With the start of judicial proceedings, the President and the Registrar of the Kosovo Specialist Chambers (KSC) have taken on an important role in explaining to the public in Kosovo and the region how the court works to ensure fair, secure and effective judicial proceedings in line with the highest international criminal justice standards. To this end, they have significantly increased their engagement in the Outreach activities of the KSC and their work with journalists over the course of 2021.

On 23 February, the Principals welcomed the Mayor of The Hague, Mr Jan van Zanen, to the premises, during which time he was apprised of different aspects of the nature and mandate of the KSC and the SPO.

On 19 May, the President and the Registrar met with the members of the KSC's Court Information Network (CIN), during which they provided a brief overview of the ongoing work at the court and received feedback from the CIN members on the KSC's outreach activities.

On 25 May, the Head of Mission of the European Union Rule of Law Mission in Kosovo (EULEX), Mr Lars-Gunnar Wigemark, was welcomed to the premises.

The Principals held separate meetings with him during which they expressed appreciation for the continuous support of EULEX to the court.

From 6 to 9 September, the President and the Registrar travelled to Kosovo to engage in a dialogue with civil society, journalists and the wider public about the work of the KSC. They hosted two outreach events with civil society in Pristina and in Mitrovica. During these events, the President and the Registrar informed the public about the ongoing judicial proceedings and the judicial support functions of the Registry, and answered questions from journalists and civil society representatives participating in person and online.

The President and the Registrar further met with members of the diplomatic, international, and national authorities, including the Kosovo Minister of Justice, H. E. Ms Albulena Haxhiu, The President and the Registrar also addressed the European Union (EU) Member States and Third Contributing States in Pristina at a meeting chaired by the EU Special Representative for Kosovo, Mr Tomáš Szunyog, and hosted by the EULEX Head of Mission, Mr Lars-Gunnar Wigemark.



President Trendafilova speaking at an outreach event in Pristina,
7 September 2021



Registrar Donlon speaking at an outreach event in Pristina,
7 September 2021



President Trendafilova's interview with the Rubikon show on KlanKosova, 7 September 2021

In 2021, the President gave four interviews to Kosovo and regional media, and published an Op-Ed in Kosovo media on trial proceedings before the KSC in Albanian and Serbian. The Registrar gave two

interviews in Kosovo and published an Op-Ed on how victims are given a voice in proceedings before the KSC, which was also published in Albanian and Serbian in Kosovo.



Registrar Donlon in an interview with RTK2, 7 September 2021

The start of trials in relation to alleged crimes within the mandate of the Specialist Chambers is a significant milestone in the pursuit of justice. These alleged crimes will now be addressed through fair, impartial and independent judicial proceedings, based on rigorously applied international standards and the due process of law.

President Trendafilova, Op-Ed on the trial proceedings at the KSC, published in "Kosovo Online" (Serbian) and "Zeri" (Albanian), 3 September 2021

The President and the Registrar welcomed the Kosovo Deputy Minister of Justice, Mr Blerim Sallahu, and the Kosovo Ombudsperson, Mr Naim Qelaj, at the premises on 21 September and 9 November, respectively, during which they were given an opportunity to be provided with answers to any questions they had in relation to the mandate of the KSC and were also given a tour of the courtroom.

On 19 October, the Principals welcomed the new Head of Conduct of Operations Division of the European Civilian Planning and Conduct Capability, Mr Kauko Aaltomaa, to the premises. During his meetings with the Principals, Mr Aaltomaa was informed of the status of the ongoing proceedings before the KSC.

On 25 November, the Principals updated EU Member States and Third Contributing States based in The Hague via video-conference on the work of the KSC and the SPO during their annual briefing.

Finally, the President and the Registrar met with the Head of the International Criminal Law Division of the Foreign Office of the Federal Republic of Germany, Mr Michael Dohmen, on 30 November.

The [EU] Council underlines the need for continued commitment by Kosovo to the Specialist Chambers, as an important demonstration of its commitment to the rule of law and ending impunity. The existing legal framework enables the proper investigation and prosecution of all alleged war crimes. In this respect, the Council appreciates the work of the Specialist Chambers that has led to the first trials taking place this year in The Hague.

EU Council Conclusions on the Enlargement and Stabilisation and Association Process, 14 December 2021, para. 70.

Registry



Registry

The Registrar manages the Registry that provides for the administration of the Kosovo Specialist Chambers (KSC) and the Specialist Prosecutor's Office (SPO) and for the provision of a wide range of judicial support services in a neutral and independent manner. She works in close consultation with the President and the Specialist Prosecutor on institutional matters.

The administrative support functions provided by the Registry to both Chambers and the SPO include budget, financing, procurement, information technology, facility management, human resources and security. The judicial support functions include protection and support for witnesses, administration of the Lists of Counsel, provision of legal aid and the victims' participation process, translation and interpretation services, court management and management of the KSC Detention Facilities.

Dr Fidelma Donlon is the Registrar, a position she has held since April 2016. She is responsible for the administrative and judicial support services of the court, the signatory on behalf of the KSC and the SPO of the grant agreement with the European Union (EU), which is the principal provider of funding for the court.

Under the leadership of the Registrar, staff across the Registry made a significant contribution to the growth and development of the organisation as well as ensuring the effective provision of the services required to facilitate the commencement and support of two trials and the continuation of the pre-trial process in two other cases.

The Registry is committed to continuously improving the efficiency and effectiveness of the judicial and administrative services it provides. The ongoing monitoring and regular review of existing practices and regulations, enables the Registry to identify areas of improvement and development.



Registrar Fidelma Donlon

With the commencement of trials in September 2021, the Registrar had the valuable opportunity to oversee the full functioning of the Registry during the first months of trials.

This facilitated management discussions about how to continue to provide high-quality services to the judicial proceedings as well as planning for the development of essential internal regulations. As part of this exercise, the Registrar has set certain strategic priorities for the upcoming period.

One such strategic priority refers to the further enhancement of the electronic court management system, Legal Workflow, based on the feedback received from all users during the initial phases of proceedings. In this regard, the Registry Legal Workflow Working Group was formed to coordinate communication and additional testing with all KSC and SPO Legal Workflow user groups, identify features that can be enhanced, liaise with developers and ensure the effective implementation of any modifications required.

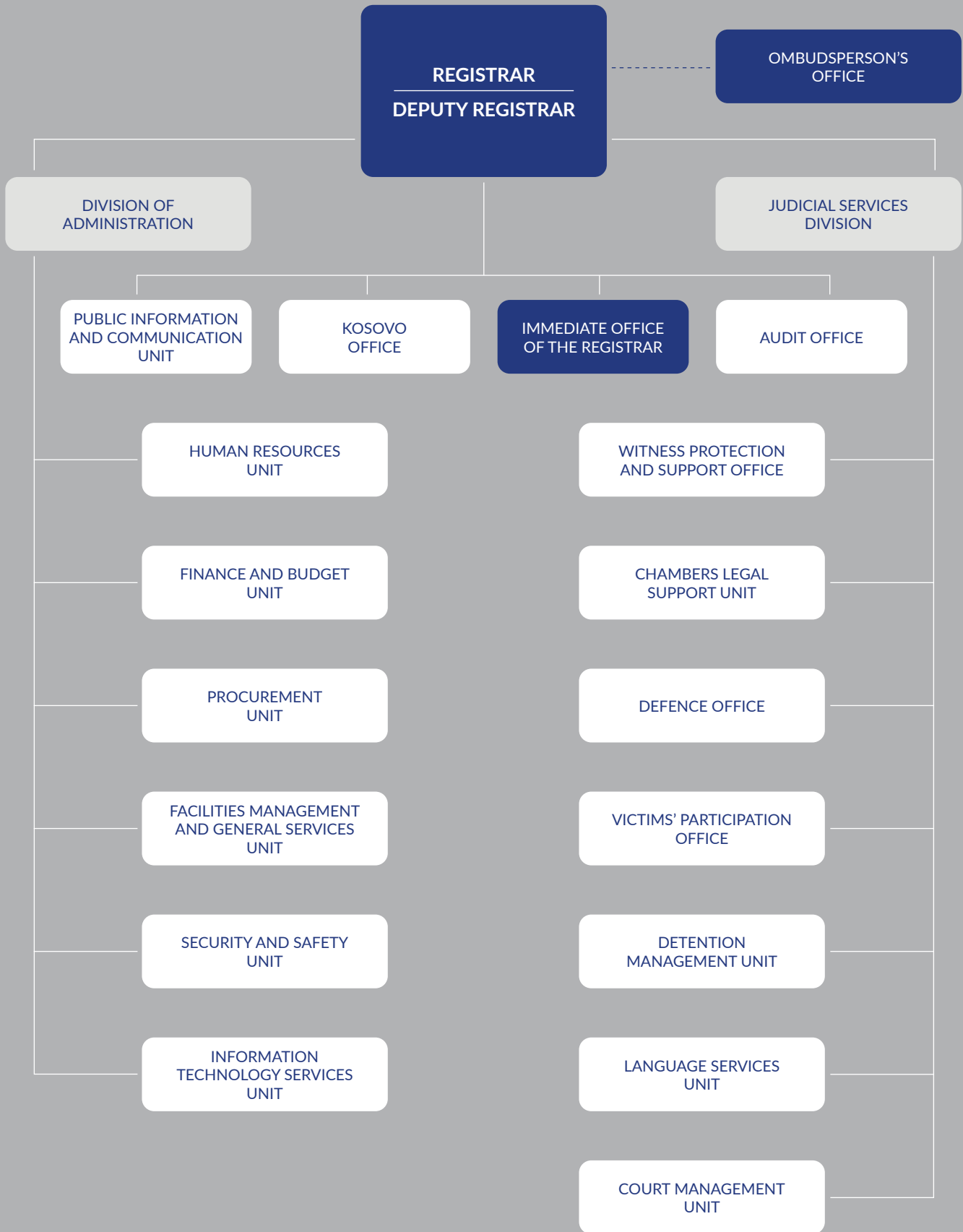
Another strategic priority is the preparation and adoption of KSC policies on retention and archiving, as well as decision-making on the technical infrastructure required for the archive. Since 2016, the Registry has made considerable efforts to ensure the secure management of all electronic and physical information, including the drafting and early

adoption of the Administrative Directive on Information Asset Management. The new focus on the retention and archiving of documents and data is the next critical stage of ensuring the KSC's robust system of Information Asset Management.

Engagement with the Host State regarding implementation of the Host State Agreement, other States on cooperation matters including witness protection, and EU Member States and Third Contributing States on encouraging qualified seconded candidates to apply for KSC and SPO job vacancies continued.

In December 2021, a cooperation agreement between the KSC and the Centre for International Law Research and Policy (CILRAP) was finalised. With this agreement, all KSC public court documents will be available to the users of the ICC Legal Tools Database, an online database of international criminal jurisprudence and legal materials, administered and maintained by CILRAP. The Registrar also signed the grant agreement on the KSC's behalf with the Swiss government for funding of the KSC Outreach activities in Kosovo for the years 2022 and 2023.





1 | Immediate Office of the Registrar

The Immediate Office of the Registrar (IOR) supports the Registrar in the implementation of her responsibilities. This includes a variety of legal and non-legal tasks related to judicial proceedings and court administration, as well as Host State relations, public relations and Outreach, diplomatic matters, coordination of reporting to the EU and various protocol services. Information Governance (InfoGov) is also within the responsibility of the IOR.

In 2021, the IOR legal team provided support to the Registrar in her management of the COVID-19 pandemic and the smooth continuation of operations and judicial proceedings. This included advising on a diverse array of internal and external legal matters, including development, interpretation and application of various legal instruments, and on the management of business continuity. Furthermore, the team provided key legal support to the Registrar related to requests for external cooperation in the arrest and transfer of one detainee to the KSC Detention Facilities. The team also managed the review and preparation of various internal rules and instructions related to court administration and the filing of 204 submissions on a diverse range of issues on behalf of the Registrar in judicial proceedings. This included submissions on topics related to detention, custodial visits, witness protection, trial preparation and support, legal aid and representation, victims' participation, COVID-19 mitigation measures, as well as arrest and transfer.

During 2021, the IOR also advised and facilitated entry to the Netherlands for Counsel and Defence team members as well as for detainees' family members in light of COVID-19 related travel restrictions.

The InfoGov team within the IOR provides advice on the secure management of the information, records and archives of the KSC, and the protection of sensitive information across the institution. InfoGov also provided library services and research support to all, including to remote users. During 2021, InfoGov performed periodic training sessions on the handling of classified information and initiated and participated in projects aimed at strengthening the policy framework for sensitive information, such as the adoption of the Operational Instruction on Controlling Access to Information Assets in May 2021. In the autumn, work on the retention and archive project began with the collection of data on all information assets.

2 | Public Information and Communication Unit

The Public Information and Communication Unit (PICU) works to disseminate clear and accurate information about the court and its activities in order to make the proceedings understandable to the public and to raise awareness about the court's mandate to ensure fair, independent, impartial and secure judicial proceedings. To this end, the Unit communicates with journalists and civil society, produces videos and other information products, administers a robust Outreach programme across Kosovo, and manages the KSC website and YouTube channel. It also facilitates group visits and attendance at public hearings.

The past year saw an intensification in courtroom activity at the KSC, with two cases moving to trial and hearings continuing in preparation for two further cases, which are currently at the pre-trial stage. As a result, the number of people following the public hearings of the KSC through video streaming on the website increased dramatically, and hearings were widely re-broadcasted by Kosovo media outlets on television, online and through social media.

In step with these developments, the focus of the KSC's public communications has moved squarely into the courtroom and new tools were deployed to make proceedings accessible and understandable to a wider audience. For example, at weekly online press briefings, KSC Spokespersons explained developments in the courtroom and took questions from journalists participating from Kosovo, the region or anywhere in the world in Albanian, Serbian, and English. In 2021, the KSC also began posting recordings of all public hearings on its YouTube channel.

With the start of proceedings, media and the public in Kosovo and the region have also shown a high level of interest in some of the essential judicial support functions surrounding the trials. Through televised video clips, media interviews, Op-Eds and work with journalists, the Unit has worked to provide answers to frequent questions on issues such as witness protection and support, victims' participation in the trials and policies on visits to detainees during the COVID-19 pandemic.



KSC Spokesperson Angela Griep providing the weekly update on proceedings to the media online

2.1 | Media Relations

Throughout the year, the KSC sought new ways to make developments inside and outside of its courtroom more accessible and comprehensible to a non-legal audience. Through journalist roundtables, PICU staff provided the media with the opportunity to ask questions and receive practical information. Spokespersons frequently answered questions from journalists, gave regular television and radio interviews and hosted weekly online press briefings from the KSC's dedicated press briefing room, following the start of trials in September.

The areas of most interest to journalists in 2021 focused on specific judicial filings, including decisions on detention, information about the first trials and ongoing proceedings, policies on visits to detainees during the pandemic and custodial visits of a detainee to Kosovo.

Despite the limitations imposed by COVID-19, interested journalists and others were able to follow the public hearings live from the public gallery located next to the courtroom or from the KSC's dedicated media centre, which includes space and technical facilities for journalists to work and record the video stream. The video streaming of all public hearings through the KSC webpage also allowed journalists and other interested members of the public to follow proceedings in Albanian, Serbian or English.



KSC Spokesperson Angela Griep in an interview with Sporazoom, June 2021



KSC Spokesperson Michael Doyle in an interview with German television, September 2021

Communications Highlights in 2021

- 650,000 page views and 75,000 visitors to the KSC website
- 11,000 views of proceedings and the informational videos on the KSC Youtube channel
- 6 Interviews and 2 Op-Eds by the President and the Registrar published in 10 news outlets
- 310 media queries responded to and 5 interviews given by spokespersons
- 14 weekly press briefings held online

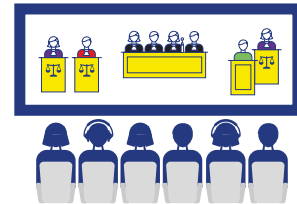
KOSOVO SPECIALIST CHAMBERS HIGHLIGHTS 2021



PROCEEDINGS UNDERWAY
IN **4 CASES** INVOLVING
8 ACCUSED



TRIALS UNDERWAY
IN **2 CASES**



67 PUBLIC HEARINGS HELD
AND STREAMED ONLINE IN THE
3 LANGUAGES OF THE COURT



70,000+ VIEWS OF
STREAMING PAGES



20 WITNESSES
TESTIFIED



CLOSE TO 800 DECISIONS AND ORDERS
RENDERED BY PRE-TRIAL, TRIAL PANEL
AND APPEALS PANEL JUDGES



895 DOCUMENTS COMPRISING
OVER **12,200 PAGES** TRANSLATED
IN 2021



30 VICTIMS ADMITTED TO
PARTICIPATE IN THE PROCEEDINGS
IN THREE OF THE CASES



500+ PEOPLE IN KOSOVO
PARTICIPATED IN PUBLIC INFORMATION
EVENTS ABOUT THE COURT

2.3 | Outreach

Since its establishment, the KSC has invested significant efforts in initiating and maintaining a dialogue with people in Kosovo and the region, working in close partnership with civil society. With the generous support of the Swiss government starting in 2018, the KSC has implemented a robust Outreach programme that includes producing and broadcasting video clips and infographics about the court, and hosting events for the general public, young people, NGO representatives, lawyers and others in communities all over Kosovo.

Interactive Outreach meetings are tailored to the interests of the audience and give people the opportunity to raise concerns, ask questions and receive answers from KSC representatives. In response to the COVID-19 pandemic, events were moved online in March 2020 and the Outreach team intensified the production and televised broadcasting of informative video clips about the court.

Since the launch of the Outreach programme, 99 events have been held in every part of Kosovo reaching over 2,200 participants directly. In 2021, 26 events were organised - in-person and online - with NGOs, civil society representatives, journalists, university students, legal practitioners, and lawyers from various municipalities of Kosovo (Pristina, Prizren, Leposaviq/Leposavić, Zubin Potok, Mitrovicë/Mitrovica, Shtërpçë/Štrpce, Kllokot/Klokot, Reçan /Reçane, Viti/Vitina, Ropotovë/Ropotovo, Gorazhdec/Gorazdevac, Llapllasellë/Laplje Selo, Kufcë e Epërme/Gornje Kusce, Partesh/Parteš). Following a suspension of in-person events due to COVID-19, such events resumed to some extent in September 2021.

The KSC produces informative fact sheets and leaflets for distribution at Outreach events. These cover topics such as “KSC at a Glance”, Defence, the Specialist Prosecutor’s Office, Victims’ participation,

the Principals and Judges, the Rules of Procedure and Evidence, Outreach, and the KSC Ombudsperson. In 2021, several newly updated factsheets were produced following a dynamic period of new developments.

In addition to events, the KSC Outreach team produces video content and infographics designed to reach the general public with information about the court and answer the questions and concerns most frequently raised by people. In 2021, the KSC produced a video clip on victims’ participation in one of the cases and four video clips based on the most frequent questions raised at Outreach events. Informative video clips on the mandate of the KSC, victims’ participation, and witness protective measures in the courtroom were broadcast 407 times on television in Kosovo during primetime and viewed thousands of times on the KSC website and YouTube channel.

Since June 2021, the KSC reports on its Outreach and media activities in a newsletter shared with stakeholders.

In May 2021, the KSC commissioned an opinion poll on people’s knowledge, perceptions and opinions about the KSC and the SPO in Kosovo. Conducted after the start of proceedings and well into the second phase of the KSC’s Outreach activities, the poll showed an increase in people’s general knowledge and understanding of the institutions and the aspects of the KSC that have frequently been communicated in Outreach meetings, information materials and key messages. When asked questions related to their expectations about the performance and professionalism of the KSC and SPO (protection of witnesses, respect for the rights of the accused, individual criminal responsibility, independence of the court), a high proportion of respondents’ views aligned with these messages.

2.4 | Cooperation with Civil Society and the Court Information Network

In 2021, the KSC continued to consult on a regular basis with NGOs from the Court Information Network (CIN), a forum of civil society organisations from Kosovo and Serbia providing invaluable feedback and suggestions for how the court can improve its Outreach programme. The Outreach team held an increased number of events with the CIN – online and in-person – including four consultative meetings with the network and numerous bilateral meetings. The input of the CIN members significantly helped in shaping the Outreach programme and KSC’s overall communication strategy, notably by simplifying its key messages and intensifying its engagement with media in Kosovo.

In June 2021, the Specialist Prosecutor and the Registrar met the CIN online to provide them with an update on SPO activities in the public proceedings and on the KSC Registry judicial support functions, respectively. Furthermore, the President and the Registrar launched their September 2021 visit to Kosovo with an informal meeting with CIN members in order to discuss public perceptions of the KSC and hear suggestions about KSC Outreach.



Registrar Fidelma Donlon and Specialist Prosecutor Jack Smith in an online meeting with the Court Information Network NGOs, 23 June 2021

Outreach Highlights

- 99 events held since 2018 (year of the launch of the KSC Outreach programme) in communities across Kosovo, reaching more than 2,200 participants directly.
- 26 Outreach events held in 2021 (in-person and online) with NGOs, civil society representatives, journalists, university students, legal practitioners, and lawyers from various municipalities of Kosovo (Pristina, Prizren, Leposaviq/Leposavić, Zubin Potok, Mitrovicë/Mitrovica, Shtërpçë/Štrpce, Klllokot/Klokot, Reçan /Reçane, Viti/Vitina, Ropotovë/Ropotovo, Gorazhdec/Gorazdevac, Llapllasellë/Laplje Selo, Kufçë e Epërme/Gornje Kusce, Partesh/Parteš).
- Based on surveys conducted after events, 91% of the participants found the Outreach event informative and 85% would like to attend other Outreach events in the future.
- Four new videos produced in 2021 covering the questions people ask most frequently at Outreach events. One new video produced on victims' participation in one of the cases before the KSC. Three infographics produced on the KSC mandate and how the court provides fair and impartial trials.
- Informative videos on victims' participation, witness protective measures in the courtroom, the mandate of the KSC and other topics were broadcast 407 times in 2021 on Kosovo television and viewed thousands of times on the KSC website and YouTube channel in Albanian, Serbian and English.
- Based on an opinion poll conducted in May 2021, 59% of citizens considered themselves to be very or somewhat informed about the KSC, a significant improvement when compared to earlier polls.

2.4 | Public Information about the KSC

The KSC webpage is an authoritative resource available in Albanian, Serbian and English, for anyone interested in learning more about the court, its activities and the ongoing judicial proceedings. It includes content for everyone, be they interested members of the public, journalists, researchers, legal counsel or persons seeking to apply to participate as victims in a trial. Through the website one can access live updates from the proceedings, follow the latest KSC news, consult the court calendar, watch a hearing, find case summaries, research public records, or learn more about how the court works. In 2021, more than 75,000 people accessed the KSC website, with 80% of these being new visitors.

During 2021, 67 public hearings were video streamed on the KSC website simultaneously in Albanian, Serbian and English. The streaming pages

as well as the pages related to the KSC cases, including the live update feed, were some of the most popular web content with more than 120,000 page views during 2021 while the streaming pages had around 70,000 and the cases/Live Update had around 50,000 page views.

The KSC significantly increased the quantity and variety of content available on its YouTube channel in 2021, with recordings of all public hearings, recordings of weekly press briefings, and new informational Outreach videos addressing the most frequently asked questions. Videos on the KSC YouTube channel were viewed more than 11,000 times in 2021, with the opening statements by the Specialist Prosecutor at the first trial having the longest viewer watch time of 160 hours.



KSC Spokesperson in the FAQ video clip



KSC Spokesperson in the FAQ video clip

3 | Ombudsperson of the Kosovo Specialist Chambers

The Ombudsperson of the KSC acts independently to monitor, defend and protect the fundamental rights and freedoms of persons interacting with the KSC and the SPO. The establishment of the Office of the Ombudsperson within the structure of the KSC and the SPO is distinctive in that it provides an additional layer of human rights protection for any individuals interfacing with the KSC and the SPO.

The KSC Ombudsperson is Mr Pietro Spera, an Italian Judge, who was appointed in May 2018. The Ombudsperson's mandate and official functions are detailed in Amendment No. 24 to the Kosovo Constitution, in the Law on Specialist Chambers and Specialist Prosecutor's Office, in the Rules of Procedure and Evidence of the KSC (Rules) and the Rules of Procedure for the Specialist Chamber of the Constitutional Court.

Since its establishment, the Ombudsperson's Office has received 18 complaints, seventeen of which are finalised.

In 2021, five complaints were lodged with the Ombudsperson. Of these complaints, four have been finalised and one remains under consideration.

Three of the complaints were found inadmissible on the basis that it had not been argued or demonstrated by the complainant in any of the cases that either the KSC or the SPO were involved in any capacity with the matters complained of. All complainants were notified of the outcome of their complaints and were provided with the full reasoning of the Ombudspersons' decisions.

The fourth complaint related to an alleged violation of the complainants' fundamental rights by the Specialist Prosecutor and the Pre-Trial Judge of the Specialist Chambers. The complaint against the Specialist Prosecutor was rejected pursuant to Rule 29(3)(e) of the Rules as it had not been filed within six months of the alleged violation and no good cause had been shown. The complaint against the Pre-Trial Judge of the Specialist Chambers was rejected pursuant to Rules 29(1) and 29(3)(a) of the Rules, which prevent the Ombudsperson from intervening in cases or other legal proceedings before the KSC, except in instances of unreasonable delay.



Ombudsperson Pietro Spera

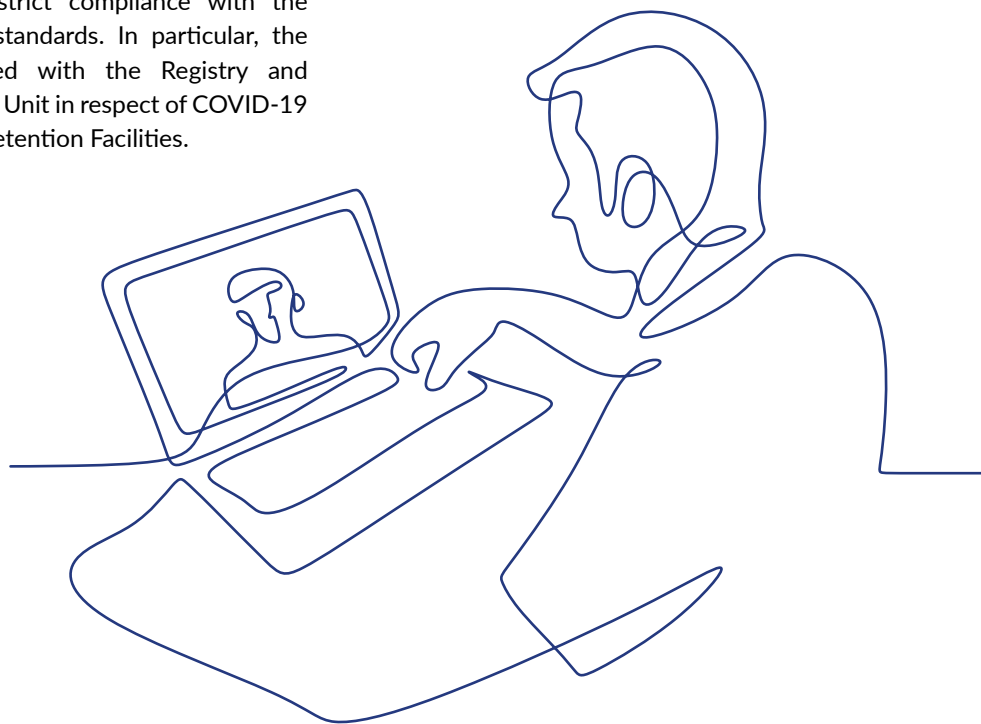
In the early part of 2021, the Ombudsperson concluded an inquiry into a complaint lodged in 2020. The complainant, in this case, alleged that the Registrar violated his fundamental right by publishing a vacancy notice, which stated that applicants must comply with a specific citizenship requirement (EU or Third Contributing States). The Ombudsperson concluded that the recruitment and selection procedures as applied by the Registrar are lawful and compatible with the framework agreed upon between the EU and Kosovo as implemented through the Kosovo Constitution and in compliance with international human rights law standards, specifically Articles 8, 14 and 1(1) of Protocol 12 of the European Convention on Human Rights. On 7 May 2021, the Ombudsperson published a report on his findings on the KSC website.

As part of his monitoring function, the Ombudsperson continued constructive engagement with the KSC and the SPO throughout the year with the aim of ensuring strict compliance with the highest human rights standards. In particular, the Ombudsperson engaged with the Registry and Detention Management Unit in respect of COVID-19 and its impact on the Detention Facilities.

In October 2021, the Ombudsperson carried out an in-person inspection of the KSC Detention Facilities. During this inspection, the Ombudsperson engaged with all of the detainees and had a private meeting with seven of the eight detainees. One detainee declined the offer of a private meeting. Following the inspection, the Ombudsperson provided a report to the President and the Registrar.

Despite the impact of COVID-19, the Ombudsperson's Office has continued to engage in its Outreach programme throughout the year. With the assistance of the Public Information and Communication Unit of the Registry, the Ombudsperson's Office has taken part in a number of online Outreach activities with civil society in the region.

In April 2021, the Ombudsperson hosted a courtesy online meeting with the recently appointed Kosovo Ombudsperson.



4 | Judicial Services Division

The Judicial Services Division provides legal and operational support to the KSC and the SPO through the Court Management Unit, the Language Services Unit, the Defence Office, the Victims' Participation Office, the Witness Protection and Support Office and the Detention Management Unit.

In 2021, a major milestone was reached with the commencement of trials in two cases before the KSC. With these trials, all KSC judicial support services were activated.

These include support to witnesses providing testimony, ensuring representation for victims participating in proceedings and continued provision of safe and secure detention for the eight detainees in the KSC Detention Facilities. In addition to the two cases currently at trial, two cases are pending at the pre-trial stage. The various units of the Judicial Services Division are involved at all stages of the judicial process, across the range of their respective functions.

4.1 | Court Management Unit

The Court Management Unit (CMU) is the custodian of the KSC case file records, the electronic court management system, Legal Workflow, and the transcription software Transcend. With respect to court operations, CMU is responsible for the preparation and management of court proceedings. This includes sessions of court familiarisation for Judges, witnesses, parties, and other participants.

During the course of 2021, CMU received, processed and distributed a total of 1,859 filings with 908 annexes and close to 40,000 items disclosed between the parties. A total of 1,161 public filings and annexes were published in the Public Court Record database on the KSC website. Additionally, following the issuance of orders instructing the Registry to reclassify filings to public, 242 filings were reclassified, reprocessed and distributed accordingly.

With respect to court operations, 75 hearings were held. CMU processed and distributed 352 public and confidential transcripts generated as result of these hearings in the three official languages of the KSC. 174 of these transcripts were published in the Public Court Record database.

The Legal Workflow system continued to be further improved in order to better answer to the parties' needs. During the latter part of the year, the Registrar set up a working group to further manage testing and development of the system in an effort to increase performance and reliability. By the end of 2021, there were 292 system users, for whom CMU provided 144 basic and advanced training on the use of the system. Furthermore, the Unit supports the users of the transcript programme that facilitates following of the verbatim text of the proceedings.

4.2 | Language Services Unit

In 2021, the Language Services Unit (LSU) continued delivering interpretation and translation services both at the seat of the KSC as well as during missions.

During the year, the Unit produced over 12,000 pages of translation in Albanian, Serbian and English, as well as in other languages required to facilitate the smooth and effective operations and external communications of the court. The majority of translation requests involved filings in the cases before the KSC. In many instances, mostly involving core filings, LSU work was time-sensitive as translations had to be produced within a strict deadline dictated by procedural requirements and the obligation to comply with the rights of the accused. Other major translation projects included internal regulations, material produced by the Ombudsperson and the Independent Representative

Body of Specialist Counsel, as well as various types of outreach and public information material.

In addition, LSU assisted the SPO with translation of material, producing a total of 1,066 pages (61 documents) of translation from or into non-official KSC languages.

On the interpretation front, LSU was just as busy, ensuring simultaneous interpretation at 75 hearings, as well as during various online events and meetings with external parties. In addition to providing interpretation at meetings organised by KSC units, LSU staff attended to ad hoc interpretation requests from Defence and Victims' Counsel, while also assisting at the Detention Facilities when required. Additionally, the Unit provided simultaneous interpretation during the KSC's weekly online media briefings.

4.3 | Defence Office

The Defence Office (DO) administers a system of legal aid for representation of indigent or partially indigent suspects and accused. As part of this function, it administers together with the Victim's Participation Office a List of Counsel eligible to practice before the KSC. At the end of 2021, the List that is available on the KSC website contained a total of 215 Counsel. Of these, 111 were Specialist (Defence) Counsel, 28 were Victims' Counsel and 76 were both Specialist Counsel and Victims' Counsel. The application process remains open.

While it is neutral and plays no role in proceedings, DO provided guidance and support as needed to the Defence teams of all four cases before the KSC. It ensured that Specialist Counsel and their team members transitioned with ease into the KSC system liaising with other units to arrange training in and

access to the electronic court management system, Legal Workflow, upon commencement of their activities, IT equipment as required and office space in the allocated area at the KSC premises.

While some Specialist Counsel and their teams continued to participate in proceedings remotely, many also travelled to the Netherlands to meet with the accused and attend hearings in-person. In order to ensure that Defence teams could work unhindered and to ensure that the right to a fair trial was upheld, DO together with Protocol provided guidance on and assistance in compliance with COVID-19 related travel and entry regulations in place in the Netherlands. Furthermore, the Office took steps to facilitate travel of Specialist Counsel and their team members to Kosovo.

In 2021, DO received one request for legal aid from an accused. It consequently conducted a detailed financial investigation in accordance with the Legal Aid Regulations, and provided advice on the accused's indigence to the Registrar. Based on this advice, the Registrar conditionally awarded legal aid for a number of months pending the outcome of the assessment. Moreover, DO established a pool of Independent Counsel able and willing to provide legal advice as required, on very short notice, to

witnesses who risk self-incrimination through their testimony, pursuant to Rule 151(6) of the Rules of Procedure and Evidence.

DO is the contact point of the Registry for Defence teams and List Counsel on any matter that might be of interest to them, such as legal aid.

4.4 | Victims' Participation Office

The Victims' Participation Office (VPO) administers the system of victims' participation at the KSC. VPO provides assistance and advice to applicants who wish to participate in proceedings as victims, processes their applications in a confidential and secure manner and submits them to the Panel, who decides thereon.

Victims who participate in proceedings before the KSC have certain rights, including the right to notification, acknowledgement and reparation. Victims' Counsel may be present at court hearings, question witnesses, reply to any submissions of the parties and keep the victims informed throughout the proceedings. Furthermore, Victims' Counsel seek victims' views, hear their concerns and bring these to the attention of the Judges.

When victims are admitted to participate in proceedings before the KSC, VPO further ensures that admitted victims are properly represented, including by maintaining a list which contained 104 Counsel qualified to represent victims before the KSC by the end of 2021. VPO also administers a system of payment for legal representation of participating victims.

In 2021, upon recommendation of VPO, the Registrar assigned two Victims' Counsel: one in the case against Mr Mustafa and one in the Mr Thaçi et al.

case. In total, 30 applicants have been granted the status of participating victims in three cases before the KSC since 2020: one in the case against Mr Shala, nine in the case against Mr Mustafa and 20 in the case against Mr Thaçi et al.

During the year, six applicants in the case against Mr Thaçi et al. whose applications were denied, appealed the decision with the assistance of a Duty Counsel. The Court of Appeals Panel upheld the decision by the Pre-Trial Judge denying them the status of participating victims.

VPO continued to conduct Outreach activities, primarily online, in an effort to reach out to potential victims and organisations representing them. These included online roundtables with journalists and civil society, as well as the creation and publication of videos on the victims' application process, one of them with a special focus on the case against Mr Mustafa. The videos were broadcast on TV channels in Kosovo and Serbia.

In 2021, 30 persons were granted the status of participating victim before the KSC.

4.5 | Witness Protection and Support Office

The Witness Protection and Support Office (WPSO) is responsible for securing the safety, physical and psychological wellbeing, dignity and privacy of witnesses, victims participating in the proceedings and, where appropriate, others at risk on account of testimony given by witnesses.

In 2021, with the commencement of trial in two cases before the KSC and the first witness testimonies heard, WPSO's work intensified. The Unit provided a wide-range of services to facilitate the safe and timely appearance of 20 witnesses – 10 before Trial Panel I and 10 before Trial Panel II. This included briefing witnesses in advance of their travel on the services and assistance they will be provided as well as on matters related to their safety, welfare, travel, accommodation, and allowances.

WPSO takes care of all logistical arrangements for the witnesses' travel and stay at the seat of the court. During their travel, witnesses are escorted by WPSO staff as needed. Once at the seat of the court, WPSO staff familiarise witnesses with the courtroom setting and systems employed, as well as the witness'

waiting rooms. Throughout the witnesses' stay in the Netherlands, the Unit staff is available 24/7 for them to provide all necessary support and assistance. Witnesses are also supported in obtaining medical, psychological, and other appropriate support necessary for them to testify before the KSC, and specialised psychologists and support officers conduct pre-testimony vulnerability assessments and provide psychosocial support before and after their testimony. Once the witnesses have completed their testimonies, the Unit also ensures their safe return home and implements a witness feedback programme aimed at assessing the impact of the experience of testifying and to hear from witnesses about the quality of services provided.

Furthermore, in 2021, Trial Panel I granted two witnesses in-court assistance provided by WPSO staff speaking the same language as the witness, and the presence of a WPSO psychologist. WPSO further consolidated its operational capacity and ability to effectively protect individuals at heightened risk, in cooperation with national and international counterparts when required.

4.6 | Detention Management Unit

The Detention Management Unit (DMU) manages and administers the KSC Detention Facilities located within a Dutch prison in The Hague. DMU ensures that detainees are held safely and securely and safeguards the full respect of their dignity and rights in line with the KSC Detention Rules and regulations, best practices and all relevant international standards. The eighth detainee was transferred to KSC custody in its Detention Facilities in April 2021.

With increased hearings and the beginning of trial proceedings in 2021, DMU continued to adapt and implement technological solutions to facilitate detainee participation in proceedings by enabling remote access to court sessions.

Affirming the KSC's commitment to provide detainees adequate time and facilities for the preparation of their defence in line with best practices in the field, a secure electronic data sharing system that allows detainees and their Counsel to share case-related information was launched in March 2021.

Ensuring detainees could maintain meaningful contact with their families despite the restriction of the pandemic continued to be a focus of the KSC. Following a successful vaccination campaign at the Detention Facilities and the advice of the Medical Officer, in-person family visits could resume in mid-July 2021, starting, in a phased approach, with immediate family members. The measures providing for increased phone calls and virtual visits remained in place also beyond the resumption of all in-person visits by families and other personal visitors in September 2021. Counsel visits remained in place at all times.

Over the course of 2021, there were a number of visits and independent inspections to ensure that the rights of detainees were respected. In September, the International Committee of the Red Cross (ICRC) carried out its first in-person independent inspection, which was its second inspection overall by the end of 2021. The ICRC inspections aim at assessing the appropriateness of the conditions availed to the detainees, in line with international standards of detention as also reflected in the KSC legal framework. During such visits, the ICRC holds individual meetings with KSC detainees. In October, the KSC Ombudsperson separately conducted his first in-person inspection to assess the conditions of detention, in accordance with the Rules of Procedure and Evidence.

Since the resumption of in-person visits in July 2021, DMU has managed over 200 visits of family members to the KSC Detention Facilities.



KSC Detention Facilities

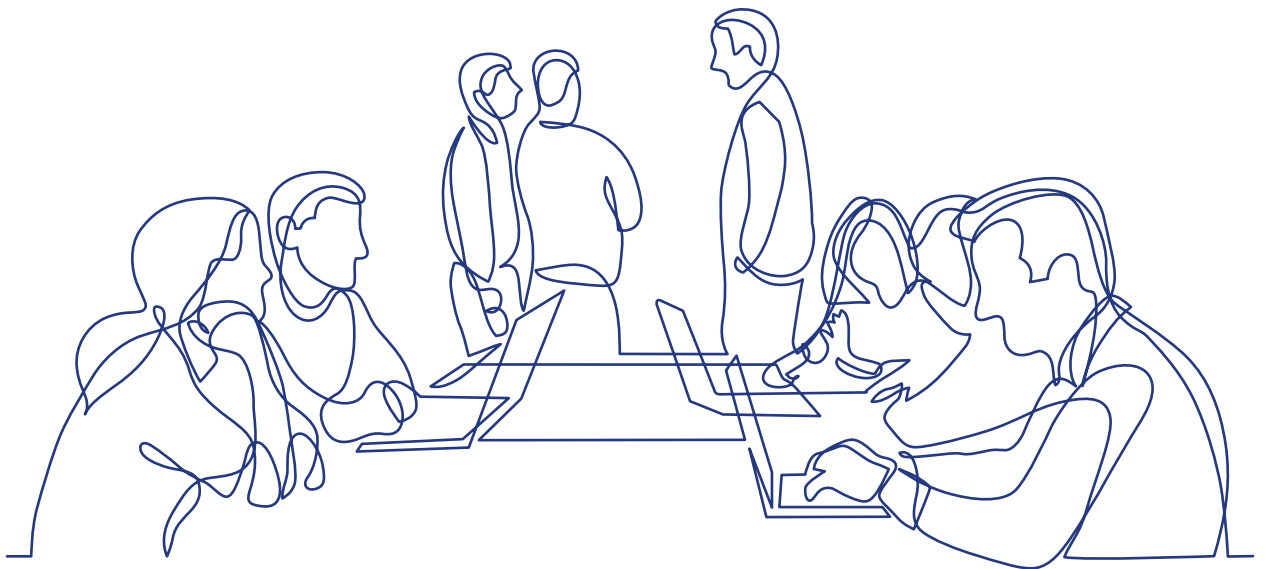
5 | Division of Administration

The Division of Administration provides expert, administrative and technical support to the KSC and the SPO through the Human Resources Unit, the Information Technology Services Unit, the Facility Management and General Services Unit, the Security and Safety Unit, the Finance and Budget Unit and the Procurement Unit.

In 2021, the work of the Division focused on courtroom readiness in support of the judicial proceedings and ensuring that COVID-19 risk mitigation measures were implemented throughout the premises and during duty travel. The Division also prepared for the physical return of all staff to the premises while ensuring a safe and secure working environment.

The Division of Administration was heavily involved in the development, implementation and testing of an Enterprise Resource Planning (ERP) software system acquired by the KSC at the end of 2020. The ERP system is a suite of business management software tools being tailored to KSC financial, budgetary, payroll, staff administration and asset management work processes. In 2021, progress was achieved in the customisation related to the financial and budgetary work processes.

The Head of the Division, as the KSC Anti-Fraud Contact Person, participated together with the Internal Auditor and the Administrative Officer in an anti-fraud trainers' training conducted jointly by the European Commission Service for Foreign Policy Instruments (FPI) and the European Anti-Fraud Office. Three anti-fraud awareness training sessions were subsequently provided by them for KSC and SPO staff.



5.1. | Human Resources Unit

The Human Resources Unit (HRU) provides support and advice to all personnel of the KSC and the SPO. During 2021, HRU continued to honour its mandate by assisting with recruitment exercises, administering and advising staff on a variety of personnel matters ranging from compensation and benefits to welfare and health insurance, supporting staff and managers in the process of performance evaluation and facilitating learning and development opportunities for staff.

Two Calls for Contributions (CfC) for staff member positions and one internship call were published in 2021. A total of 2,277 applications from 1,013 applicants (425 female and 588 male) were received and screened in respect of the aforementioned CfCs. In addition, 289 internship applications from 101 applicants (71 female and 30 male) were received through the internship call. The combined KSC and SPO staff increased from 244 on 31 December 2020 to 268 by 31 December 2021. Out of the 202 staff members at the KSC, 97 were female and 105 male, and of the 66 staff members at the SPO, 25 were female and 41 male. Overall 65 new staff members were deployed in 2021.

The number of seconded staff remained steady with 10 seconded staff members, representing six EU Member States (Bulgaria, Germany, Hungary, Ireland,

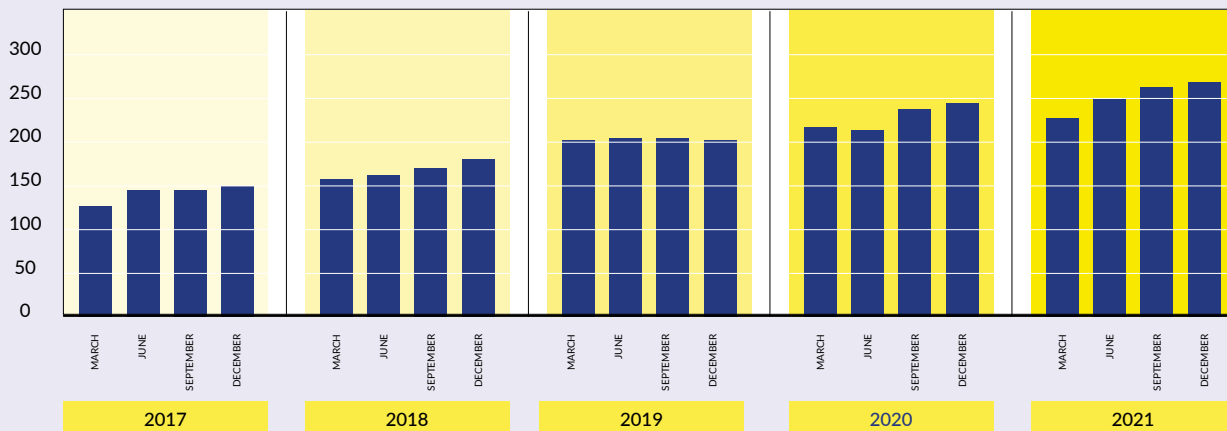
Italy, and Malta) as well as two Third Contributing States (Switzerland and United States of America).

The Unit continued to ensure that every staff member forming part of selection panels was provided with appropriate guidance on the KSC and the SPO recruitment and selection process, and was supported in taking informed decisions as panel member.

HRU also ensured that the KSC and the SPO staff were offered multiple learning and development courses during the year on subjects such as leadership and management, prevention of psychological and sexual harassment, performance management, and IT. In line with its duty of care, HRU also continued to provide staff wellbeing and psychological counselling services throughout 2021. In coordination with the Immediate Office of the Registrar, HRU updated the human resources related regulatory framework by reviewing the Staff Rules and introducing several important changes.

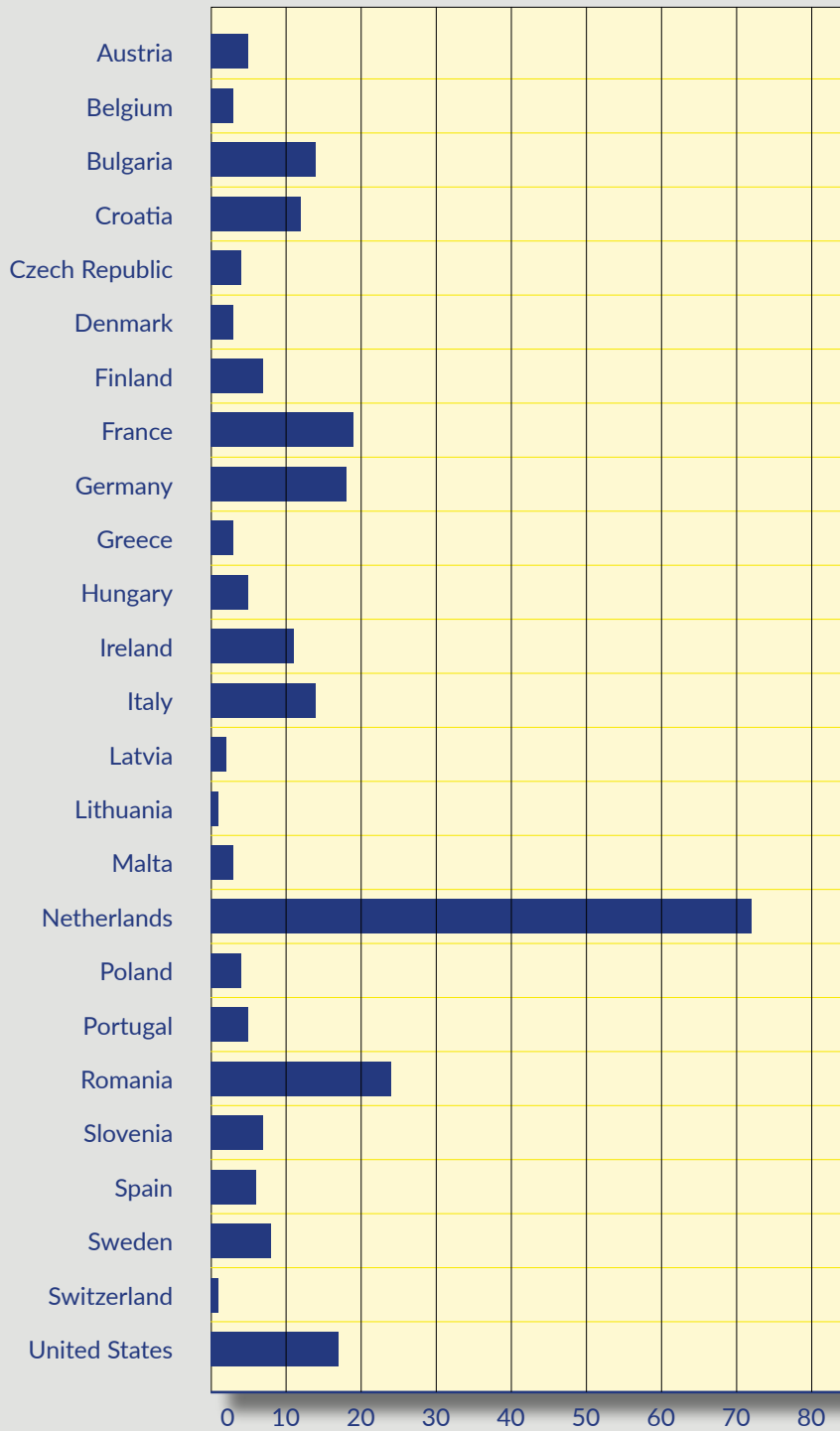
The Unit also played a role in supporting staff during the pandemic. The COVID-19 Focal Point continued to share updates on the Host State measures, vaccination programme and digital certification. Advice was also provided to staff on what to do if infected or being in contact with infected persons, and on related travel restrictions.

Total KSC and SPO staff



National Balance of KSC and SPO staff

31 December 2021



5.2 | Information Technology Services Unit

The Information Technology Services Unit (ITSU) continued to ensure the provision of reliable IT, communications and audio-visual services to support the work of the KSC and courtroom operations, both at the KSC's seat and remotely.

The year 2021 was a major milestone for the KSC and its ITSU with the commencement of the first trials in September and October 2021, even as COVID-19 restrictions remained in place. On the technical side, the judicial proceedings required additional video feeds from the KSC Detention Facilities and the courtroom to facilitate remote participation of Defence teams and others. ITSU managed to seamlessly, securely and in real-time merge these feeds within the courtroom infrastructure to serve the judicial process.

Public sessions were broadcast with a time delay to ensure witness protection measures via the KSC website in Albanian, Serbian and English.

In order to assure reliable and secure courtroom activities for the foreseeable future, the process to replace IT, network, and audio-visual equipment approaching the end of their life span began. This was initiated without any disruption to the judicial proceedings. Furthermore, additional safeguards to protect information and infrastructure were implemented to further increase the control over information.

In March 2021, the KSC launched a secure electronic data sharing system between Counsel and detainees that enables them to share case-related information via a file sharing location on the KSC network.

During 2021, ITSU also developed a number of remote witness conferencing kits for use during missions. With these, the KSC courtroom can virtually extend anywhere in the world with an internet connection or a cellular data network. The unique design allows the kits to be carried on airplanes in a specialised container similar to carry-on luggage dimensions, thus reducing the risk of loss or tampering of equipment.

ITSU began to implement and test the Enterprise Resource Planning software system for administrative and financial business processes during the first half of the year.

On the hardware side, the Unit set up and deployed two data centres to further the redundancy of its main systems, therewith supporting disaster recovery and business continuity capabilities during court sessions and for 24/7 operations of the Security and Safety Unit and the Detention Facilities.

Detainees can participate in hearings from the KSC Detention Facilities as if in the courtroom, with equivalent language services and witness protection measures in place.

5.3 | Facilities Management and General Services Unit

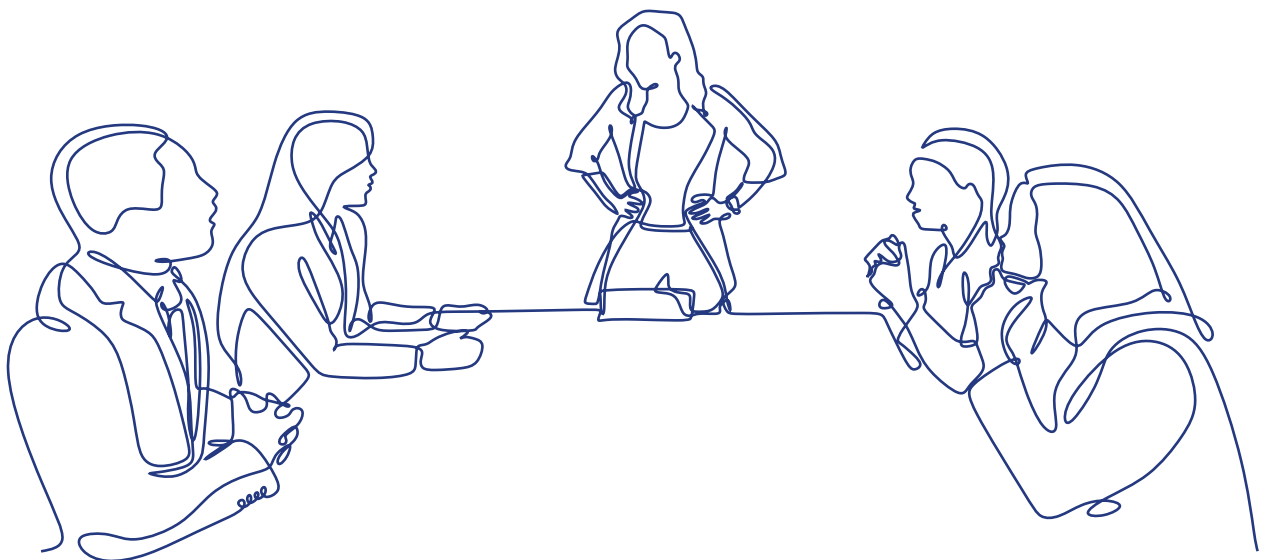
The Facilities Management and General Services Unit (FMGSU) is responsible for the efficient and effective delivery of support services to the KSC and the SPO which include real-estate management in consultation with relevant Host State authorities, building maintenance and construction, and space planning with the objective of maintaining a quality work environment for staff and visitors to the organisation. The Unit is also responsible for delivery of services such as catering, hospitality and cleaning. It further manages protocol administration services, mail and pouch services, transport, travel and logistics, working closely with the Security and Safety Unit and Protocol in this regard.

In 2021, FMGSU continued to be at the forefront of implementing the physical COVID-19 mitigation measures relating to building management as advised by the Host State.

These mitigation measures and modifications implemented were critical to holding public hearings attended by members of the public in the public gallery as well as by media in the specially designed media rooms.

In May 2021, FMGSU commenced a long-term cooperation project with the Dutch Central Government Real Estate Agency to draft a new maintenance contract for the KSC and SPO premises that will come into force in May 2023. The maintenance contract covers all aspects of the management of the building and all security, IT and audio-visual systems.

With the commencement of trials, FMGSU strived to manage the facilities seamlessly to ensure courtroom availability and functionality.



5.4 | Security and Safety Unit

The Security and Safety Unit (SSU) delivers a diverse range of safety and security-related services in support of the KSC and promotes a broad spectrum of risk awareness at both individual and organisational levels.

During 2021, in addition to the monitoring and advisory responsibilities relating to the COVID-19 pandemic, SSU focussed on ensuring full operational support to ongoing judicial proceedings. This included the delivery of role-specific training for new staff. The provision of all vocational training was successfully achieved within the parameters of the prevailing COVID-19 restrictions.

Compliance with legal obligations related to building occupancy in the Host State was assured through the successful completion of annual emergency planning readiness testing. The periodic review and update of security threat materials has ensured that the security programme is aligned with the assessments of both SSU and the competent Host State authorities.

Preparatory work has culminated in successful security support to multiple stakeholders in a context of full-scale judicial activity. Pursuant to decisions of a Pre-Trial Judge, SSU successfully implemented two custodial visits of a detainee to Kosovo. These highly complex operations were executed at short notice and required a high level of cooperation and coordination with multiple external support entities. Both the staff directly involved and the KSC as a whole received praise for the professionalism and efficiency of these operations as well as the respectful nature in which they were conducted.

In 2021, SSU carried out two custodial visits of a detainee to Kosovo on humanitarian grounds pursuant to the decisions of a Pre-Trial Judge.



Screening measures when entering the court

5.5 | Finance and Budget Unit

The Finance and Budget Unit (FBU) supports the Registrar in the financial management and implementation of the funds allocated to the KSC, in accordance with EU and internal financial rules and regulations, as well as in mitigating its financial risks.

During 2021, FBU continued to work towards a lean and self-standing administration and towards building a more resilient financial circuit, with the aim of ensuring the sound financial management of funds. In this regard, considerable resources were allocated to adapting to the pandemic and to the implementation of the institution's Enterprise Resource Planning system. In addition, four administrative directives were updated or issued by the Registrar during 2021 and FBU delivered regular in-house trainings to staff members covering key aspects of the financial circuits of the KSC and the SPO, all of which have endowed the KSC with robust financial rules, procedures and know-how.

The KSC managed funds received from the EU over the course of 2021 in line with the fifth Grant Agreement signed between the Registrar, acting on behalf of the KSC and the SPO, and the European Commission (Grant Agreement) for the period from 15 June 2021 to 14 June 2023 in the total amount of EUR 110,279,698, and the fourth Grant Agreement for the period of 15 June 2020 to 14 June 2021 totalling EUR 42,900,000. In addition to the funds granted by the EU, the KSC managed funds totalling EUR 144,700 from the Swiss government, for KSC outreach activities in 2020 and 2021.

In 2021, FBU processed over 3,000 financial actions, from budgetary commitments to payments, a significant portion of which in connection to the commencement of judicial proceedings. Overall, the number of actions in 2021 was higher than the previous year.

Over the course of 2021, the third Grant Agreement for the period from 15 June 2018 to 14 June 2020 and the Grant Agreement signed between the KSC and the Norwegian government totalling NOK 80,000,000 to support the relocation of proceedings to the new premises, were successfully closed, without any ineligibility being identified. In addition, the final reports of the fourth Grant Agreement from the EU for the period from 15 June 2020 to 14 June 2021 was submitted.

As part of the governance framework of the KSC and of being financed by the EU, independent audits and expenditure verifications of the KSC financial accounts are performed regularly by both internal and external auditor. In 2021, the audits and expenditure verifications conducted identified no irregularities.

FBU continued to develop and maintain effective collaboration with Service for FPI of the EU contributing to effective monitoring and implementation of the KSC's financial resources.

In 2021, FBU continued to ensure the sound financial management of the funds allocated by the EU and Switzerland.

5.6 | Procurement Unit

The main role of the Procurement Unit (PU) is to ensure that any goods, services or works required by the KSC and the SPO to fulfil their mandate are obtained timely and at the right cost. Because procurement is one of the most heavily regulated fields in the public sector, purchases made by the KSC and the SPO must fulfil regular strict controls and audits.

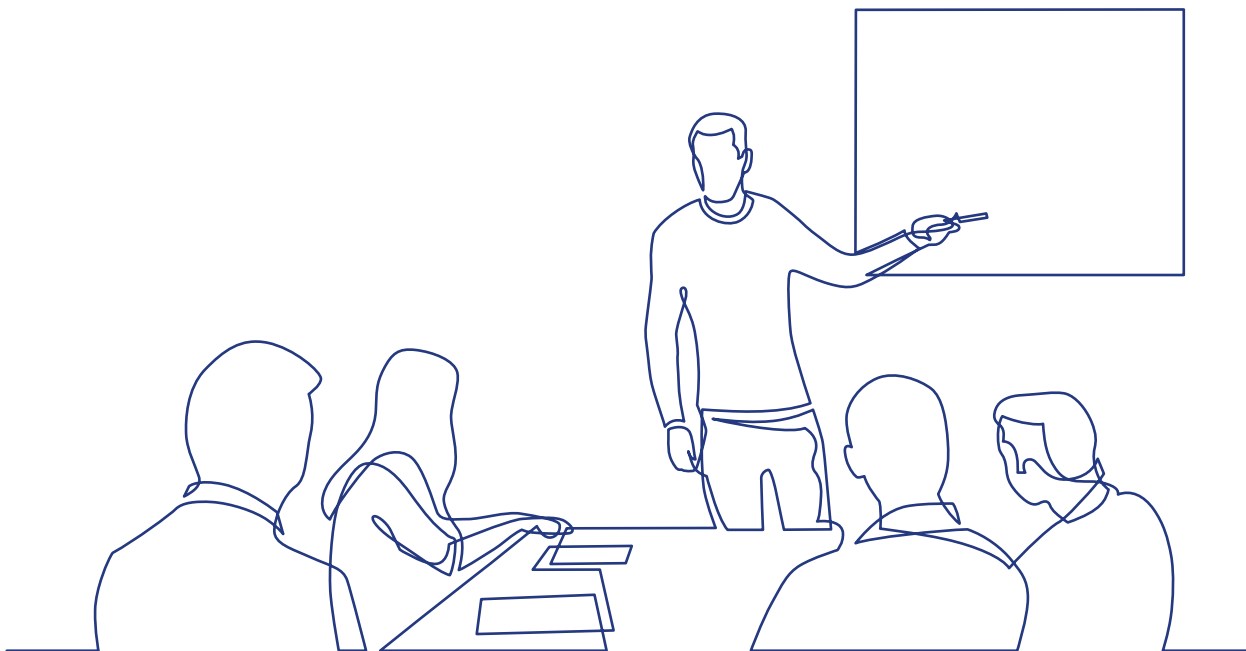
In 2021, PU worked on further improving its efficiency with a view to optimising costs and reducing the use of budgetary resources for procurement in future years without compromising the execution of the KSC and the SPO mandates. At the same time, significant effort was made to increase awareness and understanding of applicable tender processes and requirements among prospective suppliers as well as to provide as many businesses as possible, regardless of their location, the opportunity to work with the KSC and the SPO.

At the same time, PU continued to ensure compliance with good procurement practices and to reduce the risk of challenge for non-compliance with

the relevant procurement rules and regulations, primarily with the Practical Guide to Contract Procedures for EU External Actions – as the main document governing the KSC and the SPO procurement activities – and with the internal policies and guidelines.

During 2021, PU provided training to KSC and SPO staff to ensure that contract management and market survey processes are conducted in a consistent and rigorous manner across the organisation. The underlying goal was to develop a more commercially focussed approach within the entire organisation, geared towards identifying opportunities to maximise value for money and achieving procurement excellence.

In 2021, the KSC and the SPO concluded over 130 procurement contracts for a range of goods and services worth over EUR 13.5 million.



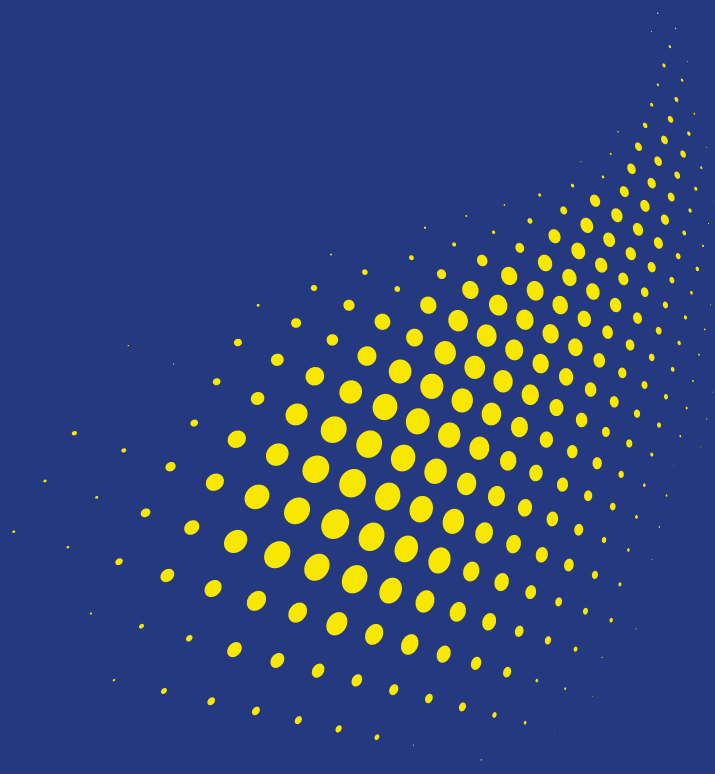
6 | Audit Office

The Internal Auditor contributes to the institutional governance and accountability of the KSC and the SPO by conducting audits and reporting the findings to the Registrar. In her work, the Auditor adheres to international professional standards of internal auditing and to the EU Financial Regulations and provides advice on measures to improve governance.

Due to the COVID-19 pandemic, the Internal Auditor continued to conduct the audits remotely, in accordance with the annual audit plan. During 2021, nine audits focusing on expenditure, procurement, safeguarding of assets, recruitment, the provident fund and the grant received from the Swiss government were conducted. The Internal Auditor also carried out three audits to follow-up on the implementation of previous audit recommendations. In addition to the audit assignments, the Internal Auditor engaged with the Anti-Fraud trainings provided to staff members.

The scope of the audits is not limited to accuracy of data and compliance with rules, but includes adequacy of controls, efficiency, safeguarding of assets, and consideration of any matters that may adversely affect the organisation in the pursuit of its objectives.

Gender mainstreaming at the KSC and the SPO



Safe and Inclusive Work Environment

The Principals of the KSC and SPO continue to promote a safe, supportive and inclusive work environment, and lend their full support to the Gender Focal Point and all gender-mainstreaming activities.

Training and support

In line with the Principals' commitment, reiterated in the 2019 Anti-Harassment Strategy to prevent and address harassment in the workplace, and following the 2020 training on "Preventing Harassment, Respect and Dignity in the Workplace", an additional anti-harassment training was organised in 2021 on the "Prevention of Psychological and Sexual Harassment". By the end of 2021, 95% of all first and second line managers, members of the Staff Representative Body as well as a considerable number of other staff across the KSC and SPO, completed the training.

A number of staff also participated in a week-long EU training for Gender Focal Points with a view to enhancing their knowledge about gender mainstreaming and incorporating mainstreaming activities in the institutions' day-to-day work. In addition, panel members for KSC and SPO recruitments received training on gender awareness.

The Counselling Psychologist continues to play an important role in the Principals' efforts to ensure support to all staff. The Psychologist was available throughout the year to meet privately with staff to provide guidance and advice.

Proactive measures to increase female representation

KSC and SPO management continued to adopt measures to improve female representation in traditionally underrepresented security posts. The SPO identified the low number of female applicants for posts in the Operational and Witness Security Unit as a serious problem. The Specialist Prosecutor and his team committed to proactively tackling the matter to ensure an increase in the number of female applicants for such posts. A pivotal step taken was the development of an outreach strategy related to recruitment.

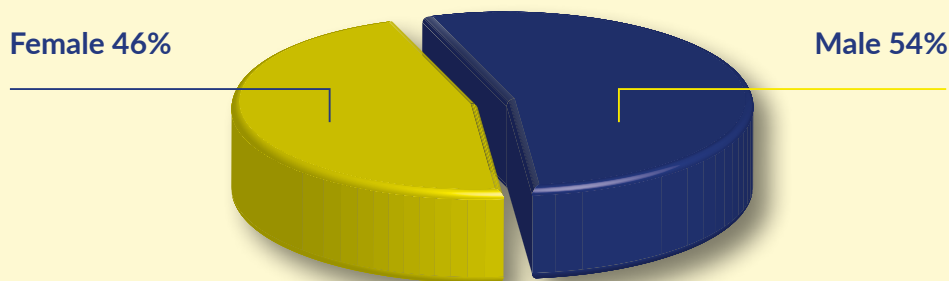
Throughout the early spring of 2021, the SPO met with embassies, Heads of Security at international organisations, NGOs and multi-national companies to raise awareness and explain the work of the Operational and Witness Security Unit. People were requested to distribute the job descriptions for advertised positions in their respective networks and to identify and encourage potential female candidates to apply for vacant positions.

Because of these efforts, significant results were achieved. The number of qualified female applicants for positions in the Operational and Witness Security Unit tripled. Moreover, a higher number of female applicants reached the next stages of the selection process and ultimately the first female candidates were recruited to the Operational Security Officer positions.

The steps taken to improve gender parity in these positions are part of the Specialist Prosecutor's efforts to implement concrete measures aimed at removing any biases or limitations with respect to female candidates obtaining positions in the SPO, and to ensure that gender equality is a key consideration in his and his Office's work.

Gender Balance of KSC and SPO staff

31 December 2021



Two out of the three Principals of the KSC and the SPO are female. Out of the 24 Appeals Panels assigned in 2021, the vast majority (17) have had two female Judges and one male Judge and all have been presided over by a female Judge. There is further gender parity with respect to the Presiding Judges of the two Trial Panels, with one female Judge and one male Judge.

The overall gender ratio at the KSC and SPO among new staff members has increased steadily since 2018 when only 29% of the new staff members were women. The numbers rose from 34% female staff members in 2019, to 50% in 2020, to 56% female staff members in 2021.

The overall staff composition at the KSC and SPO at the end of 2021 was 46% female staff members and 54% male staff members. This is a significant improvement from the previous year when 38% of staff members were female and 62% were male.

By the end of 2021, the KSC achieved a rather balanced gender representation at the secretary and assistant levels, with 45% female and 55% male staff,

respectively. At the management and expert level, the data is even closer to parity, with a difference of only 2% between the number of female (51%) and male (49%) staff. The SPO has at secretary and assistant level 40% female staff and 60% male, while at the management and expert level 38% female and 62% male. Notable, however, is that in 2021 the first female Senior Prosecutor was recruited.

As part of the KSC's and SPO's commitment to monitoring and evaluating the progress made towards ensuring gender parity, gender-specific data was collected, analysed and regularly reported on. In addition, the Human Resources Unit continued to contribute towards achieving a better gender balance by including demonstrated gender awareness as an essential competency in all job descriptions. Furthermore, awareness of unconscious bias was addressed in training provided by the Unit to all selection panel members involved in recruitment. Enhanced and focused efforts were made to include qualified female applicants into the candidate short-lists.

2. | Gender Focal Point

The presence of the Gender Focal Point of the Kosovo Specialist Chambers (KSC) and the Specialist Prosecutor's Office (SPO) forms part of the Principals' overall dedication to maintaining and furthering strengthening the KSC's and the SPO's inclusive work environment.

Over the course of 2021, the Gender Focal Point organised a variety of activities, including an online celebration of International Women's Day. In the week leading up to International Women's Day, a variety of inspiring articles were sent to staff, highlighting the glass-shattering work undertaken by women in professions traditionally occupied by men.



All staff members were provided with a facemask commemorating the day and highlighting the Principals' commitment to a diverse, inclusive and equal work environment. Finally, on the day itself, a variety of women at the KSC and the SPO in traditionally male-dominated professions spoke about their experiences coming up through the ranks and various senior officials at the SPO detailed the efforts undertaken to ensure more gender-balance in certain sections there.

The Gender Focal Point further assisted in the organisation of an online celebration of Pride month in June 2021, during which staff enjoyed a wide variety of music played. The Gender Focal Point also coordinated with the SPO on efforts undertaken

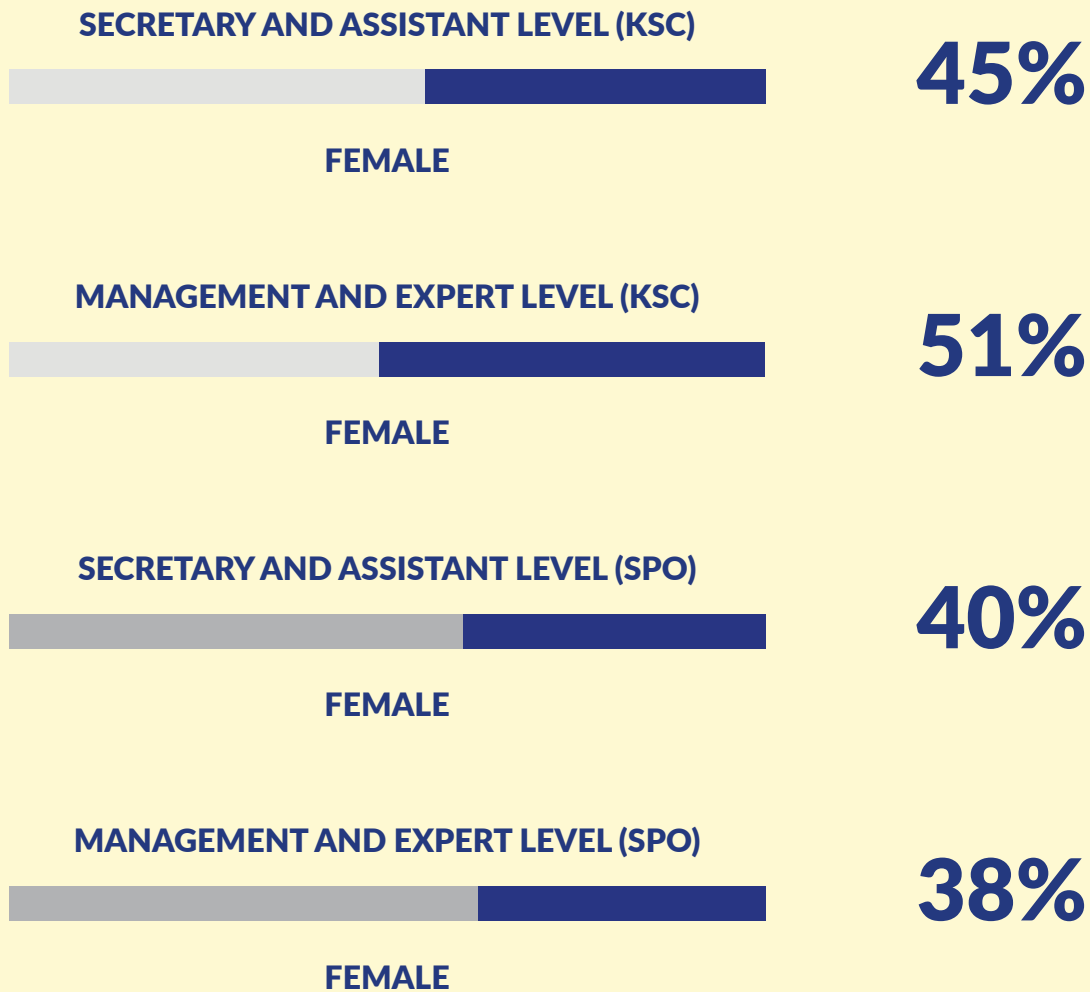
within certain units to ensure more gender-balance and coordinated with the Human Resources Unit in their efforts to update induction material as well as recruitment trainings to include information about the Principals' efforts in relation to gender-mainstreaming at the KSC and the SPO. The Gender Focal Point also ensured that the relevant internal webpage was continually updated with interesting articles and links to events related to gender-mainstreaming more generally.

The Gender Focal Point was further invited to speak at certain events about the Principals' commitment to gender-mainstreaming and the successful efforts



undertaken by the KSC and the SPO in this respect. Throughout the year, the Gender Focal Point was further in touch with the Gender Focal Points at other international organisations in The Hague to share knowledge and exchange on best practices in relation to gender mainstreaming efforts.

Finally, the Gender Focal Point successfully completed an 11-week training course for Gender Advisors at the European Union Common Security and Defence Policy missions organised by the European External Action Service Civil Planning and Conduct Capability and the Folke Bernadotte Academy.



The Principals are committed to ensuring that the KSC and SPO remain a safe and inclusive work environment, and continues to improve in this respect. A zero-tolerance policy against any form of harassment has been in place since their establishment in 2016. This is ensured through a robust policy system, that prohibits any form of discrimination, harassment or abuse of power and authority, complemented by a formal complaints process.

Gender mainstreaming is similarly ingrained in the policies and procedures in place. For example, panels or boards with an advisory function, such as recruitment selection panels and the disciplinary advisory board, must have balanced gender representation, and parental leave is available to both female and male staff members.

55%

SECRETARY AND ASSISTANT LEVEL (KSC)



MALE

49%

MANAGEMENT AND EXPERT LEVEL (KSC)



MALE

60%

SECRETARY AND ASSISTANT LEVEL (SPO)



MALE

62%

MANAGEMENT AND EXPERT LEVEL (SPO)



MALE

Specialist Prosecutor's Office



1 | Foreword

In the past year, the SPO's work has shifted its focus to the courtroom with the commencement of two trials and intense preparations to ensure that a further two trials start as expeditiously as possible. We would not be in this position, if it were not for the support of the many women and men, who have cooperated with our investigation in Kosovo and elsewhere, providing us evidence, telling us their stories and those of their loved ones, and, above all, placing their trust in this institution to do justice. We must now ensure that the crimes that were committed against them are brought fully to light in court and the people most responsible for those crimes face justice.

The KSC and SPO have been created by the Kosovo Assembly as evidence of Kosovo's commitment to the rule of law. They apply international law – the law applicable to war crimes and crimes against humanity – as part of the Kosovo legal system and are governed by the Kosovo Constitution. As such, our work represents opportunity: opportunity for Kosovo to put the issues of this war behind it once and for all; opportunity for victims to have their voices heard in a setting where they can speak the truth without fear of retribution or intimidation; and opportunity for the accused to have the allegations against them publicly aired and vigorously tested by able defence counsel.

In addition to the people whose testimony we have taken, I wish to thank each of the countries of the European Union and the Third Contributing States of Norway, Switzerland and the United States, whose generosity and commitment to the rule of law have made our work possible. I am also grateful to the European Union Rule of Law Mission in Kosovo (EULEX) and its Head of Mission, Ambassador Lars-Gunnar Wigemark, for the logistic and operational support given to the SPO over the past year. And I wish to thank all SPO staff, both current and former, as well as the staff of the KSC, and, in particular, President Ekaterina Trendafilova and Registrar Dr Fidelma Donlon, for their timeless commitment and dedication, which have brought us to where we are today.

Jack Smith
Specialist Prosecutor

December, 2021



Jack Smith, Specialist Prosecutor

2 | Mandate Implementation

The SPO maintained operations on all fronts throughout 2021 despite the complexity of working during a pandemic. In this way, the SPO coordinated one arrest; opened two trials; engaged in pre-trial litigation; disclosed evidence to defence counsel; and took forward investigations.

Belgian authorities arrested Pjetër Shala in Belgium on 16 March 2021 on behalf of the SPO and detained him, pursuant to an arrest warrant and confirmed indictment issued by a Pre-Trial Judge of the KSC.

Mr Shala was transferred to The Hague on 15 April and made his initial public appearance in court at the KSC on 19 April. He is charged with four counts of war crimes – arbitrary detention; cruel treatment; torture; and murder – carried out between approximately 17 May 1999 and 5 June 1999 against persons detained at the Kukës Metal Factory in Albania. In the course of 2021, there were four status conferences and 52 SPO filings in the case against Mr Shala.

The SPO has sought to move to trial as expeditiously as possible in all cases, having opened its case

against Salih Mustafa on 15 September and its case against Hysni Gucati and Nasim Haradinaj on 7 October.

Mr Mustafa is charged with four counts of war crimes – arbitrary detention; cruel treatment; torture; and murder – on the basis of individual criminal responsibility and superior criminal responsibility, with crimes committed by certain KLA members against persons detained at the Zllash detention compound in Kosovo. In presenting its case, the SPO called ten witnesses to testify in court in 2021. Before the opening of the trial, two status conferences as well as pre-trial conferences were held in 2021. The SPO also made 90 filings in relation to this case in 2021.

Messrs Gucati and Haradinaj are charged with two counts of criminal offences against public order – obstructing official persons in performing official duties – and four counts of criminal offences against the administration of justice and public administration – intimidation during criminal proceedings; retaliation; and two counts of violating the secrecy of proceedings.



First row from the left: Prosecutors Matt Halling, Valeria Bolici and James Pace
Second row: Deputy Specialist Prosecutor Alex Whiting



Specialist Prosecutor delivering opening statement in Mustafa trial

According to the corrected indictment, between at least 7 and 25 September 2020, on the occasion of three press conferences and other broadcast events, as well as through further dissemination, Messrs Gucati and Haradinaj revealed, without authorisation, information protected under the Law on Specialist Chambers and Specialist Prosecutor's Office, including identifying details of certain (potential) witnesses.

Mustafa Trial Opening Statement

In his opening statement at the commencement of the first trial to be held at the Specialist Chambers, that of Salih Mustafa, Specialist Prosecutor Jack Smith described the Kosovo Specialist Chambers as a court that was “inspired by Kosovar voices and created by acts of the Kosovar people” and which is evidence of Kosovo’s commitment to the rule of law.

Mr Smith stressed that the business of a prosecutor was individual accountability for crimes that can be proven beyond reasonable doubt and that criminal responsibility for crimes before the Specialist Chambers was personal. “The SPO does not levy accusations against the KLA or against the war it fought for Kosovo’s independence. It is neither the job nor the desire of the SPO or myself to do so,” the Specialist Prosecutor said. “As a prosecutor it is beyond my remit to argue or decide what wars were just and what wars were not, but I can say that war crimes on one side do not justify war crimes on the other side,” Mr Smith added. “Perhaps most importantly, I also know that truth never damages a cause that is just.”

The Specialist Prosecutor made clear his view that this should be a court for, and about, victims. Noting that many victims “have been forced to wait two decades to ask for justice for the crimes committed against them and against their family members who are no longer with us,” he explained that: “If we are to properly serve these victims, there can never be an expiration date on accountability.”

With respect to the victims in the case against Mr Mustafa, Specialist Prosecutor Smith noted that while in other cases the SPO has brought, the victims were a mix of Kosovar Albanians, Serbs, Roma and other ethnicities, each of the victims of the accused were fellow Kosovar Albanians. The Specialist Prosecutor said that: “These people were not enemies of the state of Kosovo, they were not spies. They were fellow community members, innocent Kosovar Albanians whose only crime was to be viewed, for one reason or another, as an impediment to the KLA and certain of its leaders, and thus labelled collaborators.

“The truth, as will be laid before this Court in the coming weeks, is that certain KLA leaders including Mr Mustafa, used their powers to victimize and brutalize fellow Kosovars, including individuals whose only crime was to have political views that differed from those of the KLA and its leaders.”

Messrs Gucati and Haradinaj also allegedly made disparaging accusations and remarks against (potential) witnesses and repeatedly expressed their intention to undermine the KSC.

In presenting its case, the SPO called four witnesses to testify. Before the opening of the trial, six status conferences as well as pre-trial conferences were held in 2021. The SPO also made 148 filings in relation to this case.

Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi are charged with six crimes against humanity – persecution; imprisonment; other inhumane acts; torture; murder; and enforced disappearance of persons – and four counts of war crimes – illegal or arbitrary arrest and detention; cruel treatment; torture; and murder.

According to the indictment, the crimes were committed from at least March 1998 through September 1999 and took place in several locations across Kosovo as well as in Kukës and Cahan, in Albania. They were allegedly committed by members

of the KLA against hundreds of civilians and persons not taking part in hostilities.

The indictment alleges that Messrs Thaçi, Veseli, Selimi and Krasniqi are individually criminally responsible, pursuant to various forms of criminal responsibility, for crimes, which were committed in the context of a non-international armed conflict in Kosovo and were part of a widespread and systematic attack against persons suspected of being opposed to the KLA.

Pre-trial litigation has covered a wide range of issues including various motions by the accused to dismiss the case and whether the accused remain in detention pending trial. The SPO successfully opposed interim release, arguing in a series of filings that there was a very real risk that, if freed, the accused would seek to obstruct Court proceedings and interfere with witnesses. The SPO also systematically fulfilled the disclosure obligations set in the Rules of Procedure and Evidence before the Kosovo Specialist Chambers. In the course of 2021, seven status conferences took place and the SPO made 184 filings in relation to this case.

Diplomatic Briefings and Outreach

In the course of 2021, Specialist Prosecutor Jack Smith held a series of diplomatic briefings to update EU Member States and Third Contributing States on the SPO's work, challenges the SPO was facing and ways in which the international community could help the SPO expedite its work.

Specialist Prosecutor Smith addressed the Political and Security Committee of the European Union in March in person and diplomats from both EU Member States and Third Contributing States, in The Hague, together with Specialist Chambers President Ekaterina Trendafilova and Registrar Dr Fidelma Donlon, via video conference in November. The support of the wider international community has been and remains critical to SPO activities.

Specialist Prosecutor Jack Smith gave his first media interview as Specialist Prosecutor, in February 2021, to Kosovo daily newspaper *Koha Ditore*. Moreover, he participated in June in a discussion with representatives of the Court Information Network, which is comprised of non-governmental organisations from both Kosovo and Serbia via video conference from The Hague, together with the Registrar, Dr Fidelma Donlon.



Specialist Prosecutor delivering opening statement in Gucati and Haradinaj trial

Throughout 2021, the SPO continued summoning witnesses, including former members of the KLA to appear for interview both in The Hague and in Pristina; interviewing witnesses; reviewing all documentary evidence collected in the course of the investigation and preparing it for disclosure purposes; and working with relevant authorities in international organisations and states to ensure both that documents are cleared for use in court and that witnesses are cleared to testify in court.

Gucati and Haradinaj Trial Opening Statement

At the start of the trial of Hysni Gucati and Nasim Haradinaj, Specialist Prosecutor Jack Smith described the case as one “about the conditions required for the fair administration of justice” and “what is required to make rule of law a reality”.

The Specialist Prosecutor said that truth was the foundation of justice and a truth that explained why this trial was necessary was because “there is a small but powerful group of persons in Kosovo that do not want this Court to exist and that will do anything to damage it in a vain attempt to salvage a false narrative that no KLA soldiers committed any crimes during the war.”

Mr Smith pointed out that Mr Gucati and Mr Haradinaj belong to this group and denigrate anyone cooperating with the Kosovo Specialist Chambers and SPO as “spies”, “collaborators” and “traitors” who have “betrayed” their fellow countrymen. The Specialist Prosecutor stressed that the Specialist Chambers should be a victim-driven court and that part of the reason it was created, and why it was located in The Hague was the “climate of intimidation of witnesses and interference with proceedings that exist in criminal cases against former KLA members”.

“This climate has worked in the past to prevent witnesses from coming to Court and saying what they knew about KLA crimes,” Mr Smith said. “The accused know this history well and hoped to use the same strategy here to intimidate witnesses because it had worked in the past.” The Specialist Prosecutor stated that the fair administration of justice requires building and fostering institutions that can protect those who seek justice and that the Specialist Chambers had the ability to provide justice for many victims in Kosovo.

“The reason it has this power is that it represents a safe place for witnesses to speak openly about the crimes they saw, the crimes which they themselves suffered through, the crimes they saw their family members suffer through,” he said. “Most crucially, it represents a place where they can do so without fear of retaliation or retribution.”

3 | The SPO

The SPO was created to investigate and, if warranted, prosecute individuals for crimes alleged in the January 2011 Council of Europe Report *Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo*.

The SPO was established on 1 September 2016 on the basis of a constitutional amendment and the Law on Specialist Chambers and Specialist Prosecutor's Office (the Law) adopted by the Kosovo Assembly on 3 August 2015. The Specialist Chambers and SPO were created in the wake of an earlier investigation by the Specialist Investigative Task Force (SITF) and the SPO inherited the staff and mandate of the SITF.

The SPO is an independent institution, with its independence guaranteed by the Law creating it. In this way, the SPO is obliged to act independently from the Specialist Chambers and all other prosecutors in Kosovo. The Law also instructs the Specialist Prosecutor and SPO staff not to seek or receive instructions from any government of other source.

Within its jurisdiction, the Specialist Chambers has primacy over all other courts in Kosovo. The Specialist Chambers or the SPO may order the transfer of proceedings within its jurisdiction from any other prosecutor or any other court in the

territory of Kosovo to the Specialist Chambers and the SPO at any stage of an investigation or proceedings.

David Schwendiman, a former US Federal Prosecutor and one-time Deputy Chief Prosecutor and Head of the Special Department for War Crimes in Bosnia and Herzegovina, was appointed the first Specialist Prosecutor on 1 September 2016, when the SITF transitioned into the SPO. Jack Smith assumed the role of Specialist Prosecutor in September 2018.



David Schwendiman, first Specialist Prosecutor

Staffing

The SPO staff is comprised of prosecutors, legal advisers, security professionals, investigators, analysts, witness-security specialists and support staff. At the end of 2021, SPO staff were comprised of 20 different nationalities from both EU Member States and Third Contributing States.



4 | Senior Prosecution Staff

The SPO is led by a team of senior prosecutors, all of whom have experience in both their domestic jurisdictions and international courts and tribunals.

Jack Smith, who has been Specialist Prosecutor since September 2018, is a US prosecutor with experience in both high-level political investigations and international criminal investigations.

Before joining the SPO, Mr Smith was Vice President and Head of Litigation for the Hospital Corporation of America, the largest non-governmental healthcare provider in the United States, a position he had been in since September 2017.

Between February 2015 and August 2017, Mr Smith served as First Assistant US Attorney and Acting US Attorney for the Middle District of Tennessee.

Between 2010 and 2015, Mr Smith served as Chief of the Public Integrity Section of the US Department of Justice, supervising the litigation of complex public corruption cases across the United States.

From 2008 to 2010, Mr Smith served as Investigation Coordinator in the Office of the Prosecutor at the International Criminal Court (ICC). In that capacity, he supervised sensitive investigations of government officials and militia for war crimes, crimes against humanity, and genocide.

Mr Smith joined the ICC from the US Attorney's Office for the Eastern District of New York, where he served for nine years in a number of positions, including Chief of Criminal Litigation and Deputy Chief of the Criminal Division.

As Chief of Criminal Litigation, Mr Smith supervised approximately 100 criminal prosecutors across a range of programme areas, including public corruption, terrorism, violent crime and gangs, as well as white collar and complex financial fraud.



Jack Smith, Specialist Prosecutor

Before becoming an Assistant US Attorney, Mr Smith served for five years as an Assistant District Attorney in the New York County District Attorney's Office where he was a member of the Office's Sex Crimes and Domestic Violence Units.

Mr Smith has received several awards during his career. These include the Tennessee Justice Center Pro Bono Attorney of the Year; the US Department of Justice Director's Award; the US Attorney General's Award for Distinguished Service; the Federal Bar Association's Younger Federal Attorney Award; the Eastern District Association's Charles Rose Award; the Henry L. Stimson Medal of the New York County Bar Association; and a Harvard Law School Wasserstein Fellowship.

He is a graduate of both Harvard Law School and the State University of New York at Oneonta.

The Deputy Specialist Prosecutor is Alex Whiting, a prosecutor of French and US nationality with extensive experience of both domestic and international prosecutorial work, including spells at both the ICC and the International Criminal Tribunal for the former Yugoslavia (ICTY), as well as a distinguished academic career.

Mr Whiting, a graduate of Yale College and Yale Law School, came to the SPO from Harvard Law School, where he had been a professor of practice since 2013.

At the ICC between 2010 and 2013, Mr Whiting worked in the Office of the Prosecutor where he served first as Investigations Coordinator, overseeing all investigations, and then as Prosecutions Coordinator, overseeing all prosecutions.

At the ICTY, between 2002 and 2007, Mr Whiting was lead prosecutor in the trial of Fatmir Limaj, Isak Musliu and Haradin Bala, and lead prosecutor in the trials of Milan Martić and Dragomir Milošević.

Before joining the ICTY, Mr Whiting was a US federal prosecutor, first with the Criminal Section of the



Alex Whiting, Deputy Specialist Prosecutor

Civil Rights Division in Washington, DC, and then with the US Attorney's Office in Boston, Massachusetts, where he focused on organised crime and corruption cases.

The SPO has two Senior Prosecutors, Alan Tieger and Clare Lawson. Alan Tieger is a US national with extensive experience both from the US and the ICTY. Mr Tieger was involved in both the ICTY's first trial, of Duško Tadić, and its final trial, of Ratko Mladić. He also served as senior prosecutor in the trials of Ante Gotovina, Radovan Karadžić, Momčilo Krajišnik, Darko Mrđa and Biljana Plavšić.

Mr Tieger served as a federal prosecutor in the Civil Rights Division Criminal Section of the US Department of Justice from 1987 to 1994, prosecuting cases of racial violence and police brutality nationwide, including the Rodney King case.

He has a BA degree from the University of California at Los Angeles and a JD degree from Santa Clara University.



Alan Tieger, Senior Prosecutor

Clare Lawson is an Irish national and holds a degree from University College Dublin, including a year's specialisation in international law at the University of Melbourne, and an LLM from Columbia University. Prior to joining the SPO, Ms Lawson worked as a legal officer in the Trial Division at the ICC, in the Office of the Prosecutor at the ICTY, as a human rights adviser to the Irish government, and in private practice with a leading Irish law firm.

Ms Lawson has worked on several international criminal cases, including those arising from the Central African Republic, the Democratic Republic of Congo, Kenya and the former Yugoslavia. She has also led human rights negotiations on behalf of the EU and at the UN.



Clare Lawson, Senior Prosecutor

The SPO's Head of Investigations is Ward Ferdinandusse. A Dutch national, Mr Ferdinandusse has both a law degree and a doctorate in the application of international criminal law in national courts from the University of Amsterdam. He has published extensively on issues of national and international criminal law. He has also taught International and European Criminal Law at the University of Groningen, focusing on international cooperation in criminal matters.

As a prosecutor at the National Public Prosecutor's Office in Rotterdam, Mr Ferdinandusse worked on criminal cases, extradition proceedings and investigations into international crimes such as genocide, war crimes, torture, piracy and terrorism. He joined the SPO from the Flight MH17 trial where he worked as a lead prosecutor.



Ward Ferdinandusse, Head of Investigations

5 | Prosecution Teams

Trial Team in Mustafa Case

The Trial Team in the case against Salih Mustafa comprises Cezary Michalczuk, Silvia D'Ascoli and Filippo De Minicis. Mr Michalczuk is a Polish Prosecutor educated in Poland and the UK who has previously served, among other assignments, as Head of the Rule of Law and Legal Section of the EU Special Representative in Kosovo between 2015 and 2020, and Head of the War Crimes Unit at the Special Prosecution Office of the Republic of Kosovo between 2010 and 2015. Ms D'Ascoli is an Italian

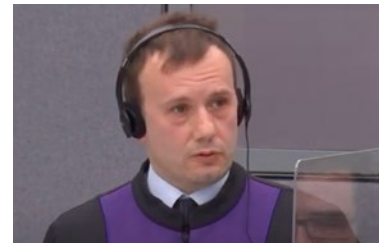
Associate Prosecutor with a doctorate in Law, specialised in international criminal law and human rights. Between 2007 and 2016, she worked on war-crimes prosecutions, including that of Ratko Mladić, at the ICTY. Mr De Minicis is an Italian Associate Prosecutor who previously worked at the ICTY, the Office of the Co-Investigating Judges at the Extraordinary Chambers in the Courts of Cambodia, and the United Nations' Office of the High Commissioner for Human Rights in South Korea.



Cezary Michalczuk, Prosecutor



Silvia D'Ascoli, Associate Prosecutor

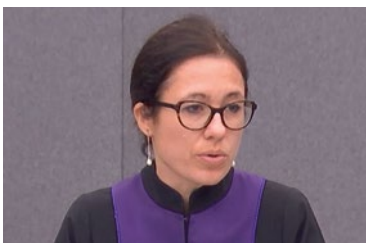


Filippo De Minicis, Associate Prosecutor

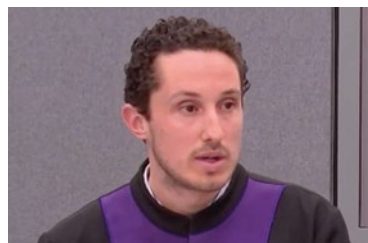
Trial Team in Gucati and Haradinaj Case

The Trial Team in the case against Hysni Gucati and Nasim Haradinaj comprises Valeria Bolici, James Pace and Matt Halling. Ms Bolici is an Italian Prosecutor with a doctorate in International Criminal Law, who, prior to joining the SPO, worked at the ICTY Chambers, served as a prosecutor in EULEX in Kosovo and assisted in representing Italy before the European Court of Human Rights. Mr Pace is a

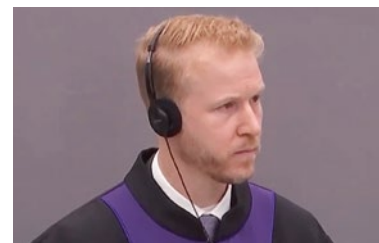
Maltese Associate Prosecutor, educated in Malta and the UK, who previously worked in the prosecution offices at the Special Court for Sierra Leone and the ICC. Mr Halling is a US Prosecutor admitted to the bar in California, who joined the SPO in 2020 on special leave from the ICC, where he had been employed since 2011.



Valeria Bolici, Prosecutor



James Pace, Associate Prosecutor



Matt Halling, Prosecutor



KOSOVO SPECIALIST CHAMBERS &
SPECIALIST PROSECUTOR'S OFFICE

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**For media queries regarding the Kosovo
Specialst Chambers:**
mediaKSC@scp-ks.org

**For media queries regarding the Specialist
Prosecutor's Office:**
spokespersonSPO@scp-ks.org

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