



Press Update

Welcome to the weekly press briefing of the Kosovo Specialist Chambers, where we aim to provide journalists with an update on the latest developments at the court, and the opportunity to ask questions.

In the war crimes case of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, the Trial Panel on 24 January rejected a request by the Defence to be allowed to appeal a previous decision in which the Panel permitted the Prosecution to use an item during re-examination of a witness that was not listed on its exhibits list at the time of the renewed questioning.

The Panel recalled its finding that the re-examination by the Prosecution was based on the fact that the document had acquired new relevance after the cross-examination of the witness by the Defence. Due to the reactive nature of the renewed questioning, the Panel found that the calling party is allowed to use documents that are not on the exhibits list as long as they have been disclosed to the Defence sufficiently in advance and do not affect the fair and expeditious conduct of the proceedings or the outcome of the trial.

On 28 January, the President of the Specialist Chambers, Judge Ekaterina Trendafilova assigned a Court of Appeals Panel to consider an appeal by Mr Veseli and Mr. Krasniqi that will be filed against an oral order given by the Trial Panel. In the order, the Trial Panel dismissed Mr. Veseli's objection to the Trial Panel using, during judicial questioning of a witness, a transcript of a Prosecution interview with an individual the Prosecution had decided it would no longer call to testify. The Appeals Panel consists of Judges Michèle Picard, Kai Ambos and Nina Jørgensen.

Four witnesses testified in court since the last press briefing. Helmut Schreckenbauer served as a medical doctor with the German KFOR in Kosovo between June and August 1999. Forensic pathologist Marek Gasior testified as an expert witness. He had previously testified in the case of Pjetër Shala. Naser Krasniqi is a former KLA member.





Counsel was assigned to assist Mr. Krasniqi, so that he could seek guidance regarding any potential self-incrimination issues. The Panel assured the witness that his evidence would not be used against him in any subsequent prosecution before the Specialist Chambers. According to the Prosecution, the witness who started testimony today was abducted by armed men wearing uniform with KLA insignia in 1999 and held and mistreated at various locations. He was released following negotiations with KFOR. The witness testified with protective measures and via video-link. Most testimonies were conducted mainly in public session.

So far 119 witnesses have testified in court in this case.

The next hearing in this case is scheduled on Monday, 10 February starting at 9 in the morning.

In the case of Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuci on alleged influencing of witnesses, the Pre-Trial Judge on 24 January granted in part a request by the Thaçi Defence to extend the deadline for the Defence teams to file any preliminary motions to 4 March 2025.

The Rules provide that an accused may file preliminary motions that, for example, challenge the jurisdiction of the Specialist Chambers, allege defects in the indictment or seek for an accused to be tried separately rather than jointly with others. The Rules provide that such preliminary motions have to be filed within 30 days after the Prosecution has disclosed to the Defence all evidence that supported the indictment. The initial deadline was on 7 February 2025.

On 27 January 2025, the Pre-Trial Judge issued a decision finding that there is no actual or potential conflict of interest arising from David Young's assignment as Counsel for Mr. Fazliu. The KSC Registry had asked the Pre-Trial Judge to determine if such assignment could lead to a potential conflict of interest given that Mr. Young used to be Mr. Selimi's Counsel in the Thaçi et al. case and considering that the offences Mr. Fazliu is accused of include the alleged influencing of witnesses testifying





in the *Thaçi et al.* case. The Pre-Trial Judge found that there is no overlap in terms of the scope of the charges in the two cases and took into consideration the fact that Mr. Young no longer serves as Counsel for Mr. Selimi. The Panel also noted that Mr. Young had obtained the consent of Mr. Selimi and Mr. Fazliu.

In the same decision, the Pre-Trial Judge rejected the Fazliu Defence's request for an extension of time to respond to all submissions. The Pre-Trial Judge found that the Defence's argument that the extension of time was needed due to Mr. Fazliu having been deprived of legal representation was misleading and reminded that Mr. Fazliu has been represented by Duty Counsel at all times and as such was well able to respond to submissions.

On 28 January, the Appeals Panel denied Isni Kilaj's appeal against the Pre-Trial Judge's oral decision of 9 December ordering Mr. Kilaj's continued detention. The Panel found that Mr. Kilaj failed to demonstrate that the Pre-Trial Judge was unfair or unreasonable in her assessment that certain risks justifying continued detention still exist. The Appeal Panel ordered Mr. Kilaj to file a public redacted version of his appeal.

In the case of Sabit Januzi, Ismet Bahtijari and Haxhi Shala, the Trial Panel on 24 January ordered the continued detention of Ismet Bahtijari. The Panel found that there continued to be a risk that Mr. Bahtijari may obstruct the progress of proceedings and/or commit further crimes especially keeping in mind that he has the means and the motive to exert pressure on Witness 1 to dissuade him from participating in the proceedings.

On 28 January, the Defence of Pjetër Shala filed its Notice of Appeal of the Reparations order. The document is available on the KSC website.

