



## 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.

Due to compelling humanitarian grounds, the Trial Panel and the Pre-trial Judge have instructed the Registry to manage a custodial visit to Kosovo for Hashim Thaçi to be with his father. During the custodial visit, the accused remains in detention and in the custody of the Specialist Chambers.

This is the third time the KSC Panels have granted a request from Hashim Thaci to visit Kosovo on compelling humanitarian grounds. Overall, it is the 13<sup>th</sup> custodial visit by a detainee to Kosovo managed by the Registry on humanitarian grounds.

In the case of the Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi, on 10 March, the Pre-trial judge rejected a request by the Defence to appeal her earlier “Decision on Framework for the Handling of Confidential Information.”

Mr. Thaci’s Defence was seeking to appeal the part of the decision that prohibits him from contacting “any witness or victim, whose identity has been notified to the Defence, in the present case or any other case before the Specialist Chambers.”

In her decision, the Pre-trial Judge reminded that her original decision “does not prohibit Mr. Thaci’s legal Counsel from contacting or communicating with any witness whom they consider relevant to the case, nor does it prevent Mr Thaci’s Counsel, in any way, from taking instructions from or consulting with Mr Thaçi for the purposes of mounting a defence, as long as there is no personal contact between Mr Thaci and the individuals in question.”

In the Januzi et al case, on 6 March 2025, a Constitutional Court Panel, consisting of Judges Vidar Stensland, Roumen Nenkov, and Romina Incutti, decided on a referral from Haxhi Shala, alleging violations of his fundamental rights.

In his referral, Mr. Shala contended that the Pre-Trial Judge failed to consider the lawfulness and merits of Mr. Shala’s detention during his initial appearance on 13 December 2023, following his arrest in Kosovo.

The Panel concluded that Mr. Shala’s initial appearance complied with Article 5(3) of the European Convention on Human Rights and Fundamental Freedoms. The judges noted that he had been adequately informed of the Pre-Trial Judge’s reasoning on his detention and afforded the opportunity to be heard, and that, although the Pre-Trial Judge could have been more explicit, his decision does not suggest that he overlooked the lawfulness and merits of Mr. Shala’s detention.





As a reminder, the case of Sabit Januzi, Ismet Bahtijari and Haxhi Shala concluded earlier this year after all three pleaded guilty to intimidation in criminal proceedings and to obstructing official persons in performing official duties.

Following the approval of their plea agreements in February 2025, Mr. Januzi and Mr. Bahtijari were each sentenced to two years of imprisonment including time served, and Mr. Haxhi Shala was sentenced to three years of imprisonment, also including time served.

In the same case, on 6 March the Trial Panel dismissed a request by the Haxhi Shala Defence for the judges to review an earlier decision by the Registrar, which determined the complexity level of the case for the purpose of calculating how much legal aid Mr. Shala would receive from the KSC.

The KSC legal aid system exemplifies best practices in legal aid standards, guaranteeing compliance with fair trial principles whilst transparently ensuring the sound financial management of legal aid funds.

Any suspect or accused person before the KSC who demonstrates that they cannot afford to pay for their defense, in part or in full, is provided with legal assistance to pay for any lawyer of their choosing who is professionally qualified to be on the KSC List of Counsel.

The legal aid fee is paid directly to counsel to cover remuneration of counsel and the other members of the legal team. The maximum legal aid fee is calculated based on the stage of proceedings and the complexity level of the case (Level 1,2, or 3).

In the recent request, the Haxhi Shala Defence disputed the decision by the Registrar to assign the case in the trial phase to Complexity Level 2.

For crimes against the administration of justice regulated under domestic law, at Complexity Level 2, a maximum monthly fee of 12,675 Euros is set in the regulations during the trial phase. Other costs provided for in addition to this fee include, for example, translation and interpretation costs up to 1,150 Euros, 10,250 Euros for contracting external investigators and consultants, and a total maximum of 10,249 Euros to support investigations across the different stages of proceedings.

In their decision, the Trial Panel recalled that in making her determination, the Registrar had gone through every applicable criterion listed under the Legal Aid Regulations and provided reasons why she considered that this case, at the trial stage, should be assessed as Complexity Level 2.

In the same case, on 5 March 2025, Counsel for Ismet Bahtijari filed a request with KSC President Ekaterina Trendafilova, asking her to clarify and/or vary three of the conditions of Mr. Bahtijari's recent conditional release.





As a reminder, after Sabit Januzi and Ismet Bahtijari had served two-thirds of their respective two-year sentences, the KSC President decided to modify those sentences to allow for their release under certain strict conditions.

In the recent request, the Bahtijari Defence was asking the President to clarify and/or vary the specific conditions related to:

- “Refraining from any contact or communication with Victim 1 and relatives”;
- “Refraining from any contact or communication with (potential) witnesses or victims before the Specialist Chambers and SPO”; and
- “refraining from making negative, violent, intimidating, threatening or coercive comments towards or about (potential) witnesses or other persons who are at risk on the account of their cooperation with the Specialist Chambers, officials of the Specialist Chambers or the SPO”.

On 7 March, the KSC President issued a decision dismissing the request and observing that, “Mr Bahtijari’s Counsel is not seeking clarification to the already clearly defined Conditions, but rather generally disagreeing with the nature and scope of the Conditions imposed, as well as their implications on Mr Bahtijari’s level of communication with those persons referred to in the Modification Decision.”

#### **Journalist questions:**

A journalist asked for more details regarding the custodial visits for Hashim Thaci, and the spokesperson responded that there is no additional public information about it.

