



## 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 trial of Hashim Thaci, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, on 26 March, the Trial Panel granted the Prosecution's request for a witness to testify via video link based on health and security concerns. The decision became public on 4 April 2025.

On 3 April, the Trial Panel granted a request by the Prosecution to admit a witness statement in written form only and without cross-examination. The Panel found that the statement was relevant, largely corroborated by other witnesses the defence had the possibility to cross-examine and goes to proof of other matters than the conduct of the Accused.

On the same day, the Panel granted in part a request by the Prosecution to admit into evidence the written testimony and associated exhibits of seven witnesses. The Panel granted the request where it found that the evidence was relevant, authentic and reliable and where its probative value was not outweighed by any prejudicial effect. The Panel rejected the request where it doubted the reliability of the evidence or considered it moot in cases where the said evidence had already been admitted into evidence at an earlier occasion.

On 4 April, the Trial Panel granted in part a request by the Prosecution to admit into evidence certain documents on the Nerodime Operational Zone finding they are relevant, authentic and not outweighed by any prejudicial affect. The Panel rejected those items that, in view of the Panel, lacked sufficient indicia of authenticity.

In this case, a status conference has been scheduled for 23 April to discuss the next steps in the proceedings. The hearing is scheduled to start at 10 in the morning.

On 7 April became public the Trial Panel's decision from 19 March to grant Mr Thaci a custodial visit on compelling humanitarian grounds after his father had passed away. The Trial Panel found that considering the close family link between the Accused and the deceased, the fact that Mr. Thaci's father passed away constituted compelling humanitarian grounds justifying Mr. Thaci's temporary release for a custodial visit. However, in view of the Panel, a custodial visit during the funeral and public commemoration events would have posed significant security concerns. The Panel found that these risks could be appropriately mitigated if the visit took place after the funeral.

The Panel based their decision on the charges Mr. Thaci is facing including criminal offences against the administration of justice for allegedly having disclosed secret information to unlawfully influence the testimony of witnesses. The Trial Panel also considered the necessity of modified conditions of detention as it appeared that Mr. Thaci provided non-privileged visitors with information elicited during the testimony of





protected witnesses. The Panel further recalled their previous finding, that there continues to be a risk that Mr. Thaci may obstruct the progress of proceedings and/ or commit further crimes.

In the case of Hashim Thaci, Bashkim Smakaj, Fadil Fazliu, Isni Kilaj and Hajredin Kuci on influencing of witnesses, the Appeals Panel on 3 April rejected grounds 1, 2 and 3 of the Prosecution's appeal of the Pre-Trial Judges Decision on the confirmation of the indictment. The Appeals Panel by majority granted ground 4 of the appeal, finding that the third form of incitement provided in Article 32(3) of the Kosovo Criminal Code is applicable in this case. As such, the matter was returned to the Pre-Trial Judge to assess whether the evidence supports the confirmation of an additional charge initially rejected by the Pre-Trial Judge.

On 7 and 8 April 2025, the Pre-Trial Judge ordered the continued detention of Hashim Thaci, Isni Kilaj, Fadil Fazliu and Bashkim Smakaj finding that in regards to all four accused there are articulable grounds to believe that they may flee, obstruct the progress of proceedings or commit further crimes. The Pre-Trial Judge further found that these risks can only be mitigated through their continued detention.

On 7 April, the Pre-Trial Judge rejected a request by the Defence of Mr. Smakaj to halt the proceedings against Mr. Smakaj based on an interview with Witness 2 which was only disclosed to the Defence and the Pre-Trial Judge after the indictment had been confirmed. The Defence was of the view that the Pre-Trial Judge would not have confirmed the indictment if she had had knowledge of this interview. The Pre-Trial Judge, however, found that the confirmation decision in regards to Mr. Smakaj's criminal responsibility was based on several factors and she was therefore not convinced that her knowing of the interview would have made a difference to her decision. The Pre-Trial Judge therefore concluded that the interview with Witness 2 was a matter to be discussed in trial.

In the case of Salih Mustafa, a decision by the Single Judge from September 2024 became public on 3 April 2025 in regards to the payment of reparations. In the decision, the Single Judge takes note of the wish of one of the participating victims to not receive the reparation payment. Given that the victims in this case had not yet in full received their reparation payments, the Single Judge ordered the Registrar to distribute the rejected amount among the other participating victims. However, he pointed out that reparation payments to individual victims can overall not be higher than the amounts allocated to each victim as outlined in the reparations order.

