



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, the Trial Panel on 11 April ordered the continued detention of Hashim Thaci and Kadri Veseli finding that there continues to be a risk that the accused may obstruct the progress of proceedings and/or commit further crimes. The Panel noted that even though the Prosecution does not intend to call further witnesses, the names of highly sensitive witnesses have been disclosed to the defence which increases the risk of such sensitive information becoming known to the public. The Panel highlighted that such a risk could not only materialise before witnesses are due to testify, but also after they have testified given that many witnesses have protective measures and their identity should not become known to the public.

On 11 April, the Appeals Panel denied an appeal by the Defence of Jakup Krasniqi and Kadri Veseli and ordered the parties to file public redacted versions of their respective submissions. The Defence had alleged that it suffered prejudice because the Trial Panel in their questioning of a witness referred to a witness statement that the Prosecution had announced it would no longer rely on in trial. The Appeals Panel reminded that the Defence had been in possession of the said witness statement and was therefore fully familiar with it.

The Panel highlighted that the Rules allow a Trial Panel to put any questions to a witness that are deemed necessary for the clarification of their testimony or for the discovery of the truth, provided that it does not lead to the apprehension of bias. The Panel found that the transcript of the hearing in question clearly showed that what was tested by the Trial Panel was the credibility of the testifying witness, which did not cause any prejudice to the Defence.





On 11 April, the Trial Panel approved suggestions by the Prosecution, the Witness Protection and Support Unit and Victims Counsel for a lesser redacted version of transcripts of two witness testimonies and reclassified the remaining portions of these transcripts as public.

On 15 April, the Prosecution formally closed its case. On 16 April, the defence teams in this case jointly notified the Trial Panel that they intend to file a request for the dismissal of some or all charges in the indictment.

The next steps in this case will be discussed at a status conference scheduled for 23 April starting at 10am.

In the case of Hashim Thaci, Bashkim Smakaj, Fadil Fazliu, Isni Kilaj and Hajredin Kuci on the alleged influencing of witnesses, the Pre-Trial Judge on 14 April issued her decision following a ruling of the Appeals Panel last week, in which it decided that the third form of incitement provided in Article 32(3) of the Kosovo Criminal Code is applicable in this case. The Appeals Panel had returned the matter to the Pre-Trial Judge to assess whether the evidence supports the confirmation of an additional mode of liability that was initially rejected.

The Pre-Trial Judge recalled that, based on the supporting material, Mr. Thaci as the leader and main beneficiary of the obstruction efforts, incited the commission of these offences by tasking Messrs Smakaj, Kilaj and Fazliu to approach different witnesses; repeatedly and purposefully revealing protected information to them, and revealing the identity of protected persons to Mr Kilaj and another person.

In addition, the Pre-Trial Judge found that the supporting material revealed that Mr. Thaci encouraged and urged Messrs Smakaj, Kilaj and Fazliu, within their respective groups, to receive and memorise his precise instructions and to contact certain witnesses for the purpose of unlawfully influencing their testimony before the Specialist Chambers. In view of the Pre-Trial Judge, the deliberate acts and encouragement and urging, as detailed in the Confirmation Decision, demonstrate Mr





Thaçi's direct intention to incite the commission of attempted obstruction of official persons by Messrs Smakaj, Kilaj and Fazliu.

As a result, the Pre-Trial Judge confirmed the additional mode of liability vis-à-vis Mr Thaçi under Article 32(3) of the Kosovo Criminal Code and ordered the Prosecution to submit a new amended confirmed indictment by no later than Wednesday, 16 April 2025. The Pre-Trial Judge expressed the view that a further initial appearance by Mr. Thaci was not necessary considering that only a new form of incitement was added to the indictment, not a new count, and that Mr Thaçi has been informed about both the offence and the basic form of incitement.

However, the Pre-Trial Judge noted that Mr. Thaci's position in relation to the added mode of liability must be formally recorded and he was therefore invited to enter a plea. Given that Mr. Thaci had entered his initial plea of not guilty in writing, the Pre-Trial Judge ordered him to enter a plea on this matter in written form by Thursday, 24 April. Should Mr. Thaci decide not to enter a plea, the Pre-Trial Judge will plead not guilty on his behalf. Should Mr. Thaci wish to be informed in open court of the additional form of incitement to the existing count, and present a plea on this occasion, he may submit a request by no later than Thursday, 24 April at 16:00.

The Pre-Trial Judge also ordered the Registrar to promptly serve the new amended confirmed indictment on the Accused as well as on Messrs Smakaj, Fazliu, Kilaj and Kuci in Albanian.

In the same case, on 11 April, the Pre-Trial Judge granted a request by the Prosecution to disclose two additional items to the defence that they intend to use in trial, finding that the Prosecution demonstrated good cause warranting a variation of the initial 17 February deadline. The Pre-Trial Judge further found that the disclosure will not cause any undue prejudice to the Defence. The Prosecution had explained that the additional items will improve the overall understanding of previously disclosed evidence. The defence has raised no objections regarding the proposed disclosure





and the Pre-Trial Judge considered that the Defence will still have sufficient time to study the additional items as they are limited in scope.

On 15 April a decision by the Pre-Trial Judge from 27 March became public, in which she rejected a request by Haxhi Shala for temporary release based on compelling humanitarian grounds. The Pre-Trial Judge pointed out that Mr. Shala could not demonstrate a close relationship to the relevant person in the request, and also did not provide the relevant medical reports. As such, she concluded that Mr. Shala did not demonstrate the existence of exceptional and compelling humanitarian grounds justifying his temporary release.

