



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.

On 23 May, the Specialist Chambers of the Constitutional Court renewed its election of Judge Vidar Stensland as Presiding Judge for a term of one year, as provided for in the Rules of Procedure for the Specialist Chamber of the Constitutional Court.

The Kosovo Constitution says that the Specialist Chamber of the Constitutional Court shall be composed of three international judges and shall exclusively decide on any constitutional referrals relating to the Specialist Chambers and Specialist Prosecutor's Office.

The Specialist Chamber of the Constitutional Court acts as a human rights protection mechanism in The Hague. Accused persons and victims may make referrals to this independent panel of judges in relation to any alleged violations of their individual rights and freedoms guaranteed by the Constitution, after the exhaustion of all other possible appeals mechanisms. The Specialist Chambers has issued several public decisions on referrals by accused persons, and these can be found on the KSC website along with an explanation of the judges' reasoning in each case.

The Specialist Chamber of the Constitutional Court has also reviewed the KSC Rules of Procedure and Evidence applied by the Trial Panels, in order to ensure that the rules meet all of the human rights standards guaranteed by the Kosovo constitution.

In the case of Hashim Thaci, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, on 15 May the Trial Panel rejected a request by the defence to reconsider the admission into evidence of a witness statement in written form only. The Panel found that the Defence had failed to demonstrate that the Panel committed a clear error of reasoning when admitting the evidence.





The Panel further noted that the Defence had misrepresented the decision to admit the statement in written form when arguing that the evidence was admitted on the assumption that a witness would be available for cross-examination. The Panel recalled that in its decision it found that any constraint in cross-examination would be accounted for by the Panel when evaluating the weight and probative value of this evidence.

On 27 May, in the same case, the Trial Panel decided on a Prosecution request to admit evidence related to the testimony of an expert witness. The judges granted in part the request but rejected the admission of some portions of source material associated with the witness's expert report.

In a separate decision on the same day, the judges admitted some of the evidence proposed by the prosecution in connection with the testimony of a second expert witness, as well as two items requested to be admitted into evidence by the defence of Mr. Veseli and Mr. Krasniqi related to the expert's testimony. The Panel further instructed the Prosecution to file a public redacted version of the expert report.

On 28 May, the Victims' Counsel in this case indicated that he would be ready to present evidence in court during the weeks of 7 and 14 July, pending the outcome of any decision by the Trial Panel on Defence motions to dismiss the charges. Victims' Counsel requested to call two experts who were authors of a report on the harm suffered by the participating victims in the case. He also sought the admission of the written testimony of six participating victims and a number of evidentiary materials.

In the case of Hashim Thaci, Bashkim Smakaj, Fadil Fazliu, Isni Kilaj and Hajredin Kuci, the Appeals Panel on 27 May granted a request by the Prosecution to make available to the parties several filings concerning the Appeals of Mr. Thaci and Mr. Selimi against the Special Investigative Measures ordered by the Single Judge in 2023. The Appeals Panel also instructed the Registrar to execute the reclassification of the Prosecution's request as public.

