



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, Jakup Krasniqi and Rexhep Selimi, the Trial Panel on 17 July denied a request by Victims' Counsel to admit supplementary information on the harm suffered by participating victims in this case. The Panel found that if such information is to be provided, it falls under the same Rules as written witness testimonies. As such, the Panel ordered Victims' Counsel to notify the Panel by 22 July if they intend to submit the victims' information in accordance with the Rules on admission of written witness testimonies. On 22 July, Victims' Counsel notified the Trial Panel of their intention to do so.

On 18 July a decision on admission of evidence from May this year became public. The Prosecution had sought the admission into evidence in written form only of three witnesses and had asked permission to add one paragraph of the statement of one of these witnesses to the exhibits list. The Trial Panel granted the motion in part and denied the admission of one witness statement finding that its probative value was outweighed by its prejudicial effect. The Panel highlighted that the ultimate weight and reliability of the admitted statements will be assessed in light of all the evidence, including the parties' submissions thereon, at the end of the case.

On 21 July, the Trial Panel denied an urgent Defence motion requesting access to the confidential version of the Appeals Judgment in the Pjetër Shala case. Considering that the Court of Appeals Panel is still seized of an appeal against the Reparation Order issued in the same case, and that proceedings in the case are still ongoing before the same Court of Appeals Panel, the Panel directed the defence to file their request with the Court of Appeals Panel. On 24 July, the Appeals Panel granted the request reminding the parties of the confidential classification of the document.

On 22 July, the Trial Panel held a status conference in this case with the aim to discuss with the parties the next steps in the case and hear from the parties if there are any unresolved problems preventing the next steps in the proceedings.

The hearing started with the Trial Panel issuing an oral order on the joint defence request for dismissal of charges. The Panel ordered the Defence to either request for the reclassification of their joint motion or to provide a public redacted version thereof. The Panel also granted a request by the prosecution to reclassify their response to the defence motion to public.

During the hearing, the Defence teams alerted the Panel that they may not be in a position to meet the deadlines set by the Trial Panel in regard to the start of the presentation of the defence case and requested to commence the presentation of the defence case on 15 September instead. The defence highlighted that some of their witnesses would speak about issues that were declared confidential by other organisations, and before the information can be disclosed in court, the consent of the provider of that information needs

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to be obtained. The Defence also pointed out that it had prepared for different deadlines as discussed earlier in the year and it may therefore be difficult for them to adhere to the deadlines set by the Panel in June this year. The Panel announced it will issue a written decision on the question of deadlines.

In the case of Hashim Thaci, Bashkim Smakaj, Fadil Fazliu, Isni Kilaj and Hajredin Kuci, the Pre-Trial Judge on 21 July rejected a request by the Defence of Mr. Fazliu for the Prosecution to return a seized phone to Mr. Fazliu considering that a forensic copy of the phone has been made. The Pre-Trial Judge reminded that the Prosecution had filed a report providing specific information for the further retention of the phone and found the retention of the physical device to be necessary to preserve the ability to conduct further forensic investigation and to ensure the preservation of the original evidence for the proceedings in this case, including ensuring the fair trial rights of the accused to inspect and examine the physical item during trial. The Pre-Trial Judge concluded that the retention of the phone remains necessary until the completion of the proceedings in this case.

On 23 July, the Trial Panel granted in part a request by the defence of Mr. Thaci to be permitted to appeal the Pre-Trial Judge's rejection of his preliminary motion challenging the jurisdiction of the Specialist Chambers.

In particular, the Thaci defence challenged the Pre-Trial Judge's decision concerning responsibilities of the Trial Panel in the Thaci et al war crimes case vis-a-vis the Single Judge, the Prosecution and the Pre-Trial Judge. The Pre-Trial Judge rejected the request to appeal this issue pointing out that the Prosecution was correct in approaching the Single Judge with requests related to its investigation into allegations of attempted witness interference in the Thaci et al war crimes case, as the Single Judge is responsible for addressing any request for judicial authorisation and related matters prior to the filing of an indictment. The Pre-Trial Judge further emphasized that notwithstanding that the case on alleged witness interference has arisen from the war crimes case, they are two different cases and therefore the Trial Panel in the war crimes case cannot extend its powers over this case.

The Pre-Trial Judge granted the defence permission to bring before an appeals panel questions on how adjudicated facts in the war crimes case will apply to the current case, finding that the issue could significantly affect the outcome of the trial and considering it important to resolve the issue early on so Mr. Thaci would have sufficient time to adequately prepare for his defence.

The Pre-Trial Judge also granted the Thaci defence permission to raise the questions before an appeals panel whether the Pre-Trial judge should review her own assignments as Pre-Trial Judge and Single Judge and whether the Defence should be allowed to challenge through a preliminary motion the practice of appointing the same Judge as Single Judge and Pre-Trial Judge. In the Pre-Trial judge's view, these issues concern Mr. Thaci's right to be tried by an independent and impartial tribunal as guaranteed by the Kosovo Constitution and the European Convention on Human Rights and are therefore appealable issues.





On 23 July, the Pre-Trial Judge granted another request by the Thaci defence to be permitted to appeal her previous decision to reject the defence request to separate the trial against Mr. Thaci from the one of his co-accused and to adjourn his trial in this case until the war crimes case against him has concluded. The Pre-Trial Judge was satisfied that this issue relates to the question of how findings in one case will relate to the other and as such may significantly affect the outcome of the trial. She further found that an early solution of this issue would streamline the proceedings and advance the accused' rights to be tried within a reasonable time.

This was the last press briefing before the summer recess which is from 27 July to 15 August. During this period no hearings will take place, the work of the Court, however, will continue uninterrupted. The next KSC press briefing will therefore take place on 21 August at 2:30 in the afternoon.

