



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 case of Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi, the Trial Panel announced on Wednesday, 12 November, that former General Wesley Clark, the defence witness initially scheduled to start his testimony on Tuesday, 18 November, will instead start his testimony already on Monday, 17 November at 12 noon. He is the last witness the defence intends to call. Following the testimony, a Status Conference is planned for Wednesday, 19 November. The hearing initially scheduled on Friday, 21 November has been cancelled.

So far, six witnesses called by the Thaçi defence have been testifying. The sixth witness, Michael Durkee, started his testimony yesterday afternoon. According to the information provided by the Defence, the witness served as Political Advisor to NATO Supreme Allied Commanders in Europe during the relevant period.

On 10 November, the Appeals Panel decided on a Joint Defence Appeal against the Trial Panel's decision to admit the written statements and associated exhibits of a witness who the Trial Panel found had been subjected to improper interference, which influenced his failure to testify.

Under Rule 155, the Trial Panel may admit evidence in the form of written statements, notably if it is satisfied that the failure of the person to attend or to give evidence has been materially influenced by improper interference, including threats, intimidation, injury, bribery, or coercion. Under the rules the Trial Panel also needs to assess if certain other conditions are met, including that the proposed evidence or evidence to the same effect cannot be otherwise obtained and that admission of the written evidence is in the interests of justice.





The Appeals Panel found that the Trial Panel did not err in admitting the evidence and stressed that the Trial Panel's decision to admit the witness's written evidence must be clearly distinguished from the Trial Panel's ultimate determination as to the weight to be attributed to it, which will be assessed at the conclusion of the trial proceedings, in light of all the evidence. In particular, the Appeals Panel recalled that the rules prohibit the Trial Panel from basing a conviction solely or to a decisive extent on the evidence of a witness whom the Defence had no opportunity to cross-examine.

In another decision also on 10 November, the Appeals Panel dismissed a Thaci Defence Appeal against the Trial Panel's decision not to admit five prior written statements which were tendered for admission by the Defence during the cross-examination of a witness called by the Prosecution. The decision was based on the principle that witness statements can only be admitted into evidence through the procedures outlined in Rules 153 to 155, unless the opposing party agrees to the admission of the evidence. The Appeals Panel found that the Trial Panel's decision conformed to the Specialist Chambers' legal framework or the jurisprudence of international criminal tribunals.

In the case of Hashim Thaci, Isni Kilaj, Bashkim Smakaj Fadil Fazliu, and Hajredin Kuçi, related to allegations of the illegal influencing of witnesses, the Pre-Trial Judge informed the President of the Specialist Chambers on 11 November, that the case will be ready for transfer to a trial panel on 12 November.

On 12 November, Specialist Chambers President Ekaterina Trendafilova assigned Judge Christopher Gosnell as Single Trial Judge. The President noted that according to Article 25 of the Law, the charges against all Accused in this case are not classified as serious crimes, as defined in the Kosovo Criminal Procedure Code, and that a Trial Panel may therefore consist of a single judge. When assigning Judge Gosnell, she further considered the criteria set forth in the Rules of Procedure and Evidence, including relevant experience and expertise as well as availability at this time. Also on 12 November, the Pre-Trial Judge formally handed over the case.





In the same case, the Pre-Trial Judge on 7th November granted in part a request by the Prosecution regarding seized material in the detention facility. The independent counsel who was tasked with reviewing the said material for any legally privileged content had notified the Pre-Trial Judge and the parties that she is not sufficiently aware of the context of the material to decide if certain information is privileged. The prosecution had therefore requested for the Pre-Trial Judge to review the material herself.

In her decision, the Pre-Trial Judge found that, rather than her reviewing the material, the task should stay with the independent counsel. For the Counsel to be provided with the necessary context, she ordered the Thaci defence to provide the relevant information. She also ordered the Registrar to give the independent counsel access to other context related information. The Pre-Trial Judge ordered the independent counsel to submit her report latest on 17th December.

On 10 November the Pre-Trial Judge granted a request by the Prosecution to instruct the independent counsel to extract additional information from the seized phone of Mr. Kuci. The Pre-Trial Judge noted that the Kuci defence did not object to the request and found that the requested operation falls within the previously authorized search and seizure operation. She ordered the independent counsel to execute the requested operation and provide the results to the Prosecution by 5 December 2025.

Also on 10 November, the Pre-Trial Judge decided to make available to the Prosecution the lists of file names of files seized at the detention facility. In some cases, the Pre-Trial Judge considered it necessary to redact the file names to prevent any access to privileged information on the side of the prosecution. The Pre-Trial Judge ordered the Prosecution to file any further requests to access preserved material within one week and asked the Thaci Defence to respond, if it wishes to do so, within one week.





In addition to these decisions, several decisions previously classified as confidential became public this week and can be found on the KSC website. The said decisions relate to search and seizure operations and the review of the seized material.

