



## 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, Bashkim Smakaj, Fadil Fazliu, Isni Kilaj and Hajredin Kuçi concerning allegations about the illegal influencing of witnesses, the Specialist Chambers of the Constitutional Court on 5 February dismissed a referral by Mr. Thaçi.

Mr. Thaçi had claimed that the assignment of a single judge who authorised special investigative measures and the subsequent assignment of the same judge as pre-trial judge was not in accordance with the law and therefore that it violated his right to have the criminal charges against him determined by a tribunal established by law. He further claimed a violation of his right to respect for private and family life.

The Specialist Chambers of the Constitutional Court dismissed the referral finding it premature given that at this stage of the proceedings it was impossible to determine whether Mr. Thaçi's fundamental rights have been violated, before a final judgment in the case. The Chamber further found that Mr. Thaçi had failed to provide any example or detail as to how the measures had violated his right to privacy and declared the claim unsubstantiated.

In the same case, on 10 February, Bashkim Smakaj and Fadil Fazliu were provisionally released in Kosovo subject to conditions, following the most recent review of their detention by the Single Trial Judge.

In his decisions of 3 February 2026, the Judge found that circumstances had changed since Mr. Smakaj's and Mr. Fazliu's detention were last reviewed in December 2025 and that their detention was no longer reasonable or proportionate. While the Judge found that there remained a moderate risk that both, Mr. Smakaj and Mr. Fazliu would, if released, obstruct the progress of proceedings, he concluded that these risks are outweighed by their fundamental right to liberty.

The Judge considered, among other factors, that the time Mr. Smakaj and Mr. Fazliu have already spent in detention now exceeds the statutory minimum sentence each of them would face if convicted.

In line with international fair trial standards and the Kosovo Constitution, accused persons may only be detained before a conviction when judges determine there are risks justifying it. For each detained person, judges reassess every two months whether such risks still exist, whether they could be addressed through alternative measures, and whether continued detention remains necessary and proportionate.

In the trial of Hashim Thaçi, Kadri Veseli, Jakup Krasniqi and Rexhep Selimi, closing statements are taking place throughout the week. The Specialist Prosecutor's Office commenced their statement on Monday morning, finishing on Tuesday. Victims' Counsel delivered their closing statement on Tuesday.





The Defence of Hashim Thaçi began its closing statement yesterday in the morning, followed by the Defence of Kadri Veseli in the afternoon. The Veseli Defence continued their statement today.

After this, the Defence teams of Rexhep Selimi and Jakup Krasniqi are scheduled to deliver their closing statements. Defence submissions are expected to continue throughout this week and into the beginning of next week.

After the Trial Panel closes the case, the Trial Panel will start its confidential deliberations.

The judges will carefully assess the credibility of witnesses, the reliability and weight of the testimony of witnesses and each piece of evidence.

The accused are presumed innocent unless the prosecution proves their guilt beyond a reasonable doubt.

In the same case, the Trial Panel decided to extend Hashim Thaçi's detention, following the judges' latest periodic review of whether his detention is still necessary and reasonable.

In its decision, the Trial Panel assessed, based on the relevant standard, that there is a sufficient risk that Mr Thaçi will obstruct the progress of Specialist Chambers proceedings and that he will commit further crimes against those perceived as being opposed to the KLA, including witnesses who have provided evidence in the case and/or who may be called in parallel proceedings.

Among other considerations, the judges recalled their previous findings that it appears that Mr Thaçi: provided non-privileged visitors with information elicited during the testimony of protected witnesses; and/or discussed instructions to be passed on to witnesses about the form and content of their testimonies. The judges also took into consideration a "persistent climate of intimidation of witnesses and interference with criminal proceedings against former Kosovo Liberation Army ("KLA") members in Kosovo which protective measures alone cannot overcome."

In the case of the enforcement of Haxhi Shala's sentence, the KSC President decided to modify his sentence and provide for his release under conditions set forth in the decision. Mr. Shala was released, and returned to Kosovo this week, on 10 February.

In her decision, the KSC President cited among other factors that Mr. Shala had shown some signs of rehabilitation and had sent a letter in which he expressed his regret to anyone who may have suffered harm as a result of his actions. As a reminder, Mr. Shala pleaded guilty to obstructing official persons and intimidation during criminal proceedings and was sentenced to three years imprisonment.

Proceedings related to the commutation, modification or alteration of sentences as provided for in Article 51(2) of the Law are individual proceedings. When a convicted person has served two-thirds of a sentence,





he or she becomes eligible for consideration of commutation, modification or alteration of the sentence, but does not have the automatic right to the sentence being commuted, modified or altered.

Questions and answers:

A journalist from RTK asked when a trial judgment could be expected in the trial of Hashim Thaci, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

The spokesperson explained that under the Rules of Procedure and Evidence a judgment should be pronounced within 90 days of the closing of the case. Where the circumstances require additional time, a further extension of 60 days is possible.

The journalist asked for a comment in response to criticisms about the fairness of the proceedings. The spokesperson explained that it is the role of the Trial Panel to carefully consider the arguments of both parties, to carefully consider each piece of evidence in light of the entire body of evidence admitted, and to reach a verdict based on the evidence presented and the law. The KSC rules have drawn on the best practices of other tribunals to ensure fair, impartial, and independent trials.

