



## 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 and his co-accused, the Court of Appeals Panel on Monday, 22 August, upheld the Pre-Trial Judge's findings with regard to the form of the indictment and dismissed the challenges raised by three of the accused.

One of the challenges raised by the three accused was related to redactions in the indictment. The Appeals Panel recognised the potential impact redactions in the indictment may have on the overall ability of the accused to prepare an adequate defence. However, the Appeals Panel found that the presence of redactions does not constitute a defect in the form of the indictment and considered that the assessment of the impact of such redactions, if any, was premature at this stage.

The Appeals Panel Judges also found that the indictment describes the accused's alleged contributions to the joint criminal enterprise and as aiders and abettors with sufficient clarity and specificity. The Appeals Panel further concluded that the indictment sets out with sufficient clarity and specificity the facts that support the charges, including with respect to superior responsibility.

The Court of Appeals Panel in another decision denied the appeal of Hashim Thaçi against the Pre-Trial Judge's decision on detention on Monday, 22 August. The Appeals Panel upheld the Pre-Trial Judge's finding that other measures would not sufficiently mitigate the identified risks of obstructing the progress of proceedings or committing further crimes.

The Pre-Trial Judge in this case also issued a decision on Tuesday, 23 August, in which he ordered the Prosecution to review the classification of disclosed evidence and submit by 4 November a list of evidence that could be reclassified as public, a list of





evidence which must remain confidential until the trial, and a list of evidence which must remain confidential throughout the proceedings.

The Specialist Chambers of the Constitutional Court on Monday, 22 August, dismissed Mr Pjetër Shala's referral, wherein he raised certain challenges related to the fairness of the proceedings.

The Panel found the referral premature at this stage of the proceedings and therefore dismissed it as inadmissible. Specifically, the Panel considered that the outcome of proceedings may be relevant in determining whether Mr Shala may claim to be a victim of the alleged violations of his right to a fair trial. The Panel further stated that this decision does not preclude Mr Shala from raising complaints about the fairness of the proceedings against him at future stages of the proceedings. The public redacted version of the Constitutional Court Panel's decision is available on the KSC website.

Mr Gucati filed his appeal brief this week against the trial judgment, pronounced on 18 May this year. The public redacted version of the appeal brief is available on the KSC website.

Closing statements in the Salih Mustafa trial are scheduled for 13-15 September. In submissions filed earlier this week, the Prosecution and the Defence each indicated that they estimate their closing statements will last one day. Victims' Counsel estimated that her closing statement will last not more than 2 hours.

### **Journalist Questions**

No questions asked.

