



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.

Earlier today, the Court of Appeals Panel in the case of the Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj, composed of Judges Michèle Picard, Kai Ambos and Nina Jørgensen, issued the first appeal judgment of the Kosovo Specialist Chambers (KSC).

The Appeals Panel affirmed Mr Gucati's and Mr Haradinaj's convictions for intimidation during criminal proceedings (count 3), violating the secrecy of proceedings through the unauthorised revelation of secret information disclosed in official proceedings (count 5), and violating the secrecy of proceedings through the unauthorised revelation of the identities and personal data of protected witnesses (count 6). The Appeals Panel further affirmed, Judge Ambos dissenting, Mr Gucati's and Mr Haradinaj's conviction for obstructing official persons in performing official duties by serious threat (count 1).

The Appeals Panel reversed the Trial Panel's finding related to the obstructing official persons in performing official duties by participating in the common action of a group (count 2) and acquitted Mr Gucati and Mr Haradinaj on this count.

In view of their findings, the Appeals Panel by Majority reduced Mr Gucati's and Mr Haradinaj's sentences of four and a half years imposed by the Trial Panel to four years and three months of imprisonment, with credit for time served. The Appeals Panel affirmed the additional sentence to pay a fine of one hundred euros (100 EUR) each.

In pronouncing its judgment, the Court of Appeals Panel emphasised that "It is fundamental to the fulfilment of the Specialist Chambers' mission that individuals who come to give evidence, often about traumatic or difficult experiences, may do so without fear. The protection of the witnesses from intimidation and harm lies at the very foundation of any system of criminal justice, including the Specialist Chambers. This case, concerns therefore the proper administration of justice, the integrity and security of proceedings and the safety of witnesses".

A summary of the Appeal Judgment can be found on the KSC website.

In the Pjetër Shala case, the Trial Panel has scheduled opening statements to take place on 21 February and 22 February 2023. On 21 February, the Presiding Judge will open the trial, have the charges read out to the Accused, inform him of certain rights and obligations, and the Accused will be asked whether he has understood the indictment and whether he wishes to confirm his earlier plea of not guilty. The Specialist Prosecutor's Office, Victims' Counsel and the Defence will then each have two hours to deliver their opening statements. Hearings will begin at 9:30 on both days and will be streamed online with a delay. For anyone





wishing to follow the opening statements from the public gallery at the KSC premises in The Hague pre-registration is required.

In the same case, on 26 January, the KSC President assigned a Court of Appeals Panel to consider Mr. Shala's appeal against a decision by the Trial Panel admitting into evidence earlier interviews given by Mr. Shala to the ICTY and the Belgian authorities. The Appeals Panel consists of Judges Michèle Picard, Emilio Gatti and Nina Jørgensen.

In the *Thaçi et al.* case, last Thursday the Trial Panel issued the agenda for the Specialist Prosecutor's preparation conference, scheduled to take place on 15 February.

In its order, the Trial Panel put several questions to the Prosecution and the Defence, to be addressed during the hearing. According to the Rules, the Trial Panel may determine at this hearing the number of witnesses the Prosecutor may call, the time available to the Prosecution for the presentation of its evidence and address a number of other issues related to the presentation of the Prosecution's case.

In the same case, the Trial Panel rejected on Monday a request by the *Thaçi* Defence to appeal its earlier rejection of the Defence request for disclosure of victims' application forms of witnesses who also have the status of victims.

Journalist Questions

No questions asked.

