



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.

The trial of Hashim Thaçi, Kadri Veseli, Jakup Krasniqi and Rexhep Selimi began this week with opening statements on Monday, Tuesday and Wednesday.

The four accused are charged on the basis of individual criminal responsibility with six counts of crimes against humanity: persecution, imprisonment, other inhumane acts, torture, murder, and enforced disappearance of persons as well as with four counts of war crimes: illegal or arbitrary arrest and detention, cruel treatment, torture and murder.

All four accused have pleaded not guilty to all charges.

On 3 April, the Specialist Prosecutor's Office and Victims' Counsel delivered their respective opening statements. On 4 April, the Defence teams of Mr. Thaçi, Mr. Veseli, and Mr. Selimi delivered their opening statements. Mr. Thaçi and Mr. Selimi both made unsworn statements, pursuant to Rule 142(1) of the Rules.

On 5 April, the Defence team of Jakup Krasniqi delivered their opening statement. Mr. Krasniqi made an unsworn statement.

The presentation of evidence by the Prosecution and the calling of the first witnesses is scheduled to begin on 11 April 2023.

Hearings in the trial are scheduled throughout the rest of this year and can be followed through the court's website in Albanian, Serbian and English and from the public gallery of the court. For more information about when hearings are scheduled, consult the court calendar on the KSC website.

In the same case, as per order of the Trial Panel, the SPO filed, on 3 April, a public redacted version of its corrected pre-trial brief.

In the case of Salih Mustafa, the Trial Panel delivered a reparation order today. On 16 December 2022, the Trial Panel found Mr. Mustafa guilty of the war crimes of arbitrary detention, torture and murder and sentenced him to a prison sentence of 26 years. The Defence is appealing the trial judgment and was recently granted in part a request to extend the time limit for filing its appeal brief to 23 April 2023.





According to the reparation order issued in this case today, the Panel ordered Mr. Mustafa to pay an overall sum of €207,000 as compensation for the harm inflicted on the victims of the crimes for which he is convicted.

The Panel determined that compensation for each of the victims on an individual basis constitutes the most appropriate type and modality of reparation and ordered varying amounts to be paid to each of the eight participating victims, ranging from €2000 to €80,000. These amounts followed the Victims' Counsel's request, which the Trial Panel considered to be reasonable and to reflect the scope and extent of the harm suffered by the victims.

The Panel noted that its jurisdiction in this case will cease with the issuance of this Reparation Order. The Panel therefore invited the President of the KSC to designate a judicial authority which will be in charge of monitoring and overseeing the implementation and execution of the Reparation Order.

While the Panel recalled that the responsibility to pay the compensation lies exclusively with Mr. Mustafa, they noted that Mr. Mustafa currently does not have the means to fully comply with the order. Therefore, the Panel emphasized that other actors ought to step in, in order to execute the Reparation Order, especially Kosovo. In this regard, the Trial Panel indicated that the current Kosovo's Crime Victim Compensation Program could be an alternative to execute the Reparation Order, although the maximum sums which can be awarded under this program are less than the amounts established in the Reparation Order.

Therefore, the Panel invited Kosovo to create a new reparation mechanism for victims of crimes within the jurisdiction of the KSC in order to ensure an equal treatment between the suspects and accused before the KSC, who are financially supported for their defence through the Kosovo budget, whereas nothing is provided for the victims of crimes within the jurisdiction of the KSC. Furthermore, the Panel observed that the legislation in Kosovo addressing harm and injuries suffered in the context of the war in Kosovo in 1998-1999 refers exclusively to the victims of the enemy forces which, in view of the Panel, creates a discrimination between the victims of this war.

In addition, the Panel recommended the establishment of a trust fund for victims of crimes under the jurisdiction of the KSC, at the initiative of the KSC, in case Kosovo fails to uphold its obligations towards victims in a reasonable time through the establishment of a reparation mechanism. Such trust fund should be financially supported above all by Kosovo as well as by other States and donors wishing to support victims.

Journalist Questions

