



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.

On Wednesday, 26 April 2023, the Court of Appeals Panel denied the appeals of 20 applicants to participate in the proceedings as victims who appealed the decision of the Basic Court Panel that denied their application to participate in the *Thaçi et al.* case. The Panel has, however, decided that applicants can resubmit their applications, if new information is presented to the Trial Panel. The appeals were submitted by two Counsels representing the 20 denied applicants.

In the same case, on 28 April, Trial Panel II rejected the request made by the SPO to adopt the procedure for cases where issues of self-incrimination by a witness may arise pursuant to Rule 151. The Panel is of the view that Rules 43 and 151, in combination with paragraph 97(v) of the Order on the Conduct of Proceedings, adequately regulate the matter of (potential) self incrimination by witnesses at this point in the proceedings.

According to Rule 151, a witness may object to providing testimony that might incriminate themselves. However, the Panel may compel a witness to testify, for example, if the witness would be providing unique evidence relevant to the case. In such a case, the Panel should provide the witness with an assurance that the court will not act on the self-incrimination prior to the testimony of the witness.

On 1 May 2023, and following the relevant decision by the Trial Panel, the Registrar terminated the appointment of Mr Young as Counsel for Mr Selimi and appointed Mr Roberts as replacement Counsel.

On 25 April 2023, the Registry received a letter from Mr Selimi requesting that David Young withdraw as his appointed Counsel, and that Geoffrey Roberts, Co-Counsel on his Defence team, be assigned as replacement Counsel. Mr Selimi included a brief





description of the reasons for his request. On the same day, Mr Young submitted to the Registrar a request for withdrawal as Counsel for Mr Selimi, citing the same reasons. Based on the Registrar's submission that they can take immediate steps to appoint Mr Roberts as Counsel to ensure Mr Selimi's legal representation at all times, and given that Mr Selimi has the right to choose his Counsel, the Panel granted this request.

Hearings in this case will resume next week starting on Wednesday, 10 May, at 9:00 in the morning.

In the trial of Pjetër Shala, the fifth and sixth witness called by Prosecution concluded their testimony. Both witnesses testified with protective measures, via video link.

In the case of Hysni Gucati and Nasim Haradinaj, following requests on 2 and 3 May by Mr Haradinaj and Mr Gucati on protection of legality, KSC President Ekaterina Trendafilova today assigned a Supreme Court Panel consisting of herself, Judge Christine van den Wyngaert and Judge Daniel Franssen.

According to the Law, Mr Gucati and Mr Haradinaj could file a request for protection of legality within three months of the final judgment.

Generally, the Supreme Court Chamber may be assigned if either:

- a request for protection of legality has been filed by one of the parties,
- If the appeals panel in its judgment has overturned an acquittal and instead entered a conviction, or
- When a lifelong imprisonment has been imposed by either the Trial Panel or by the Court of Appeals Panel.

In other news, the KSC this week facilitated a workshop for Kosovo journalists that was held by two independent journalists with extensive experience in court reporting in particular on trials before the ICTY, the ICC and the KSC. KSC representatives responded to specific questions on the KSC.

Journalist Questions

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