



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 *Thaçi et al.* trial, the 13th witness called by the Prosecution, former KLA Commander of the Llap Operational Zone Rrustem Mustafa, completed his testimony on Tuesday. The witness testified without protective measures and was questioned by the Prosecution, Defence, and by the Judges.

The 14th Prosecution witness, Francis Ledwidge, started his testimony on Tuesday. Mr Ledwidge is a British Army officer who served in Kosovo during the relevant time. He testified without protective measures.

The 15th witness completed their testimony this morning. The witness testified via video link with voice and face distortion and was questioned by the SPO and the Judges.

In the same case, on 17 July, the Trial Panel ordered the continued detention of Mr Rexhep Selimi. The Panel found that there continues to be a risk that Mr Selimi would obstruct the progress of proceedings or commit further crimes against those perceived as being opposed to the Kosovo Liberation Army, including witnesses who have provided or could provide evidence in the case and/or are due to appear before the court. The Panel concluded that these risks can only be sufficiently mitigated through the communication monitoring framework at the KSC Detention Facilities.

In the trial of Pjetër Shala, the Trial Panel on 23 June decided to grant the SPO's request to admit written testimonies and associated exhibits of two witnesses, instead of these witnesses appearing in court. In its decision, the Panel carefully balanced the need to respect the rights of the Accused with the need to ensure the expeditiousness and efficiency of proceedings. The Panel considered that the evidence of the two witnesses in question does not concern the acts and conduct of the Accused, is limited in scope, as both witnesses were in Kukës for a limited period of time, and the statement is cumulative or corroborative of other evidence the Defence had an opportunity to cross examine. On that basis, the Panel concluded that the introduction of this evidence pursuant to Rule 153 is not inconsistent with the rights of the Accused or the fairness of the trial.

Rule 153 of the Rules of Procedure and Evidence allows the Panel to identify situations where it is not necessary for witnesses to give testimony in person, with a view to streamlining and expediting the proceedings, while preserving the fairness of the trial.

The Panel rejected the Defence's request for permission to appeal this decision because it had already considered most of the arguments the Defence raised in its request, in its previous decision on this issue. Concerning the Defence's argument that the admission of written statements instead of oral testimony must be "a measure of last resort" and only when "strictly necessary", the Panel found that here the Defence takes issue with Rule 153 in general. Given that the Rules of Procedure and Evidence have been reviewed by the

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Specialist Chamber of the Constitutional Court and were found to not be in violation with the Kosovo Constitution, the Panel found that a disagreement with the Rules cannot be the basis for formulating a request to appeal a decision.

In the same case, the Trial Panel granted the Defence's request for extension of the time limit to file its lists of witnesses and exhibits from 17 July to 16 August. In the same decision, the Panel highlighted that the dates set for the Defence preparation conference and the opening of the Defence case shall remain unchanged.

The Panel had determined that Victims' Counsel's presentation of evidence and the Defence preparation conference will take place between 21 and 25 August and the target date for the Defence to commence with the presentation of its case has been set for 18 September 2023.

In other news, the KSC judicial recess period will start on Monday, 24 July, and last until Friday, 11 August 2023. During this period, no hearings are held and some non-essential services are reduced to a minimum. However, the court remains fully functional and work continues across all sections of the KSC. Filings are possible during the recess and, unless otherwise ordered by the Judges, judicial deadlines continue running. There will be no press briefings during the court recess, so the next KSC press briefing is scheduled for Thursday, 17 August at 14:30.

Journalist Questions

