



## 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.* case, hearings resumed on 14 August with the testimony of the 16<sup>th</sup> witness called by the Prosecution. The witness, whose testimony was completed yesterday, was granted protective measures and was questioned by the Prosecution, the Defence and the Judges. The 17<sup>th</sup> witness testified without protective measures and completed their testimony today.

In the same case, on 21 July, the Trial Panel granted a request of the Victims' Counsel and allowed the surviving spouse of a participating victim who passed away, to participate in the proceedings in their place. There are 140 victims participating in the trial.

On 17 July, the Trial Panel ordered the continued detention of Jakup Krasniqi and rejected his request for a temporary release of two weeks during the summer recess. In its reasoning, the Panel highlighted the fact that the trial in this case has commenced, that the identities of sensitive witnesses have been disclosed to the Krasniqi Defence, and that therefore any risk of further commission of crimes must be avoided. The Panel found that there continues to be a risk that Mr Krasniqi will obstruct the progress of proceedings and a risk that he will 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 found that it is only through the communication monitoring framework applicable at the Specialist Chambers Detention Facilities that Mr Krasniqi's communications can be restricted in a manner that would sufficiently mitigate these risks and concluded that the temporally limited nature of a release of two weeks would not alter this conclusion.

On 16 August the Trial Panel ordered the continued detention of Hashim Thaçi and Kadri Veseli. The Panel found that there is sufficient risk that Mr Thaci and Mr Veseli will obstruct the progress of proceedings and commit further crimes. The Panel further found that it is only through the communication monitoring framework applicable at the Specialist Chambers Detention Facilities that communications can be restricted in a manner that would sufficiently mitigate these risks.

In the same case, on 23 June, the Trial Panel rejected the Defence's request to strike part of the record of the witness testimony from 18 April 2023. The Panel found that while the Prosecution will not be permitted to rely upon the evidence to try to establish Mr Thaçi's claimed personal involvement, the evidence could still be relevant to some of the material allegations made in the indictment.

Hearings in this case will resume on 28 August starting at 9:00 in the morning.

In the case of Pjetër Shala, the KSC President assigned a Panel of the Specialist Chambers of the Constitutional Court on 14 July to decide on a referral by Mr Shala filed on 11 July alleging violations of his fundamental

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rights. The Panel consists of Judges Vidar Stensland, Roumen Nenkov and Romina Incutti. The referral relates to the Trial Panel's finding that statements Mr Shala gave to the Belgian police in 2016 are no inadmissible.

On 20 July, the Trial Panel ordered the continued detention of Pjetër Shala. The Panel found that there are articulable grounds to believe that the risk of obstructing the progress of proceedings and the risk of committing further crimes continue to exist. The Panel further found that it is only through the communication monitoring framework applicable at the KSC Detention Facilities that the Accused's communications can be restricted in a manner that will sufficiently mitigate the risks.

Hearings in the Shala case will resume on Monday, 21 August, at 9:30 with the presentation by Victims' Counsel of its evidence.

On 1 August, the Supreme Court Panel rejected Mr. Gucati's request for a custodial visit to Kosovo. The Supreme Court Panel considered a variety of facts in its decision starting with pointing out that there is no inherent right to a custodial visit on the basis of compelling humanitarian grounds, particularly where a person has been convicted through a final judgment. The Panel noted that since May 2022, Mr. Gucati had visited his mother five times. The fifth visit in March 2023 was granted after he had been convicted through a final judgment by the Appeals Panel, and he was serving a sentence, which ultimately meant the loss of liberty.

The visit was granted at that time due to urgent, exceptional and compelling new circumstances in regards to the health of Mr. Gucati's mother. The Panel noted that based on the most recent health report, the condition of Mr. Gucati's mother had not changed since. For these reasons, the Panel found that Mr. Gucati had not demonstrated that urgent, exceptional and compelling new circumstances existed.

The Panel also noted that there are alternative means of communication available at the KSC detention facility including 10 visiting days per month, which may involve either in-person visits or video visits, and requested the Registrar to grant Mr. Gucati additional video calls with his mother as needed.

All public filings are available on the KSC website.

### Journalist Questions

There were no questions asked.

