



## 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 case of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, the Trial Panel on 15<sup>th</sup> September ordered the continued detention of Jakup Krasniqi and Rexhep Selimi. The Panel found that there continues to be a risk that Mr. Krasniqi and Mr. Selimi will obstruct the progress of proceedings or commit further crimes against those perceived as being opposed to the KLA, including witnesses who have provided or could provide evidence in the case and/or are due to appear before the court. The Panel further concluded that it is only through the communication monitoring framework applicable at the KSC Detention Facilities that communications can be restricted in a manner that would sufficiently mitigate these risks.

Also on 15 September, the Trial Panel issued its decision on the Joint Defence Request for a Finding of Disclosure Violation. The Defence had submitted that a witnesses statement included exculpatory evidence that the SPO failed to disclose immediately as required by Law. Exculpatory evidence is evidence that could point to the innocence or mitigate the guilt of an accused, and the Law requires that the Prosecution shares such evidence with the Defence immediately.

The Panel found that the disclosure of this information was not timely, but that the Defence still had sufficient time to use the information for their cross-examination of the witness, and that the Accused were therefore not prejudiced by the late disclosure. The Panel reiterated the importance of timely and diligent compliance on the part of the SPO with its disclosure obligations, and was pleased that the SPO took a number of steps to ensure that this does not occur again. The Panel rejected the remainder of the Defence's proposed remedial measures.

On Tuesday, 19 September, the Trial Panel issued its decision on the fourteenth Registry Report on Victims' Applications. The Panel declined to consider the merits of the applications as the time limit to file such applications in this case expired on 15 February, and in view of the Panel no good cause had been shown for the late submission. However, the Panel noted that the Victims' Participation Office may resubmit the report with additional information on the reasons for the delay.

The current number of participating victims in the case is 141.

The next hearing in this case is scheduled to take place on Monday, 25 September, starting at 9:00 in the morning.

In the Pjetër Shala case, the Trial Panel on 15 September rejected the Defence Motion to Dismiss the Charge of Murder in the indictment.





The Defence had submitted that the evidence presented by the SPO in support of the charge of murder was unreliable as it, in their view, is based on only one witness who has a criminal record and whose testimony was inconsistent.

The Panel stated that it has received other evidence supporting the charge and therefore rejected the motion. Concerning the credibility and reliability of the witness, the Panel found that the Defence requested the Panel to enter into an assessment that is not meant for this stage of the proceedings as the assessment of the credibility and reliability of the evidence shall be carried out at the end of the proceedings, during the Panel's deliberations on the guilt or innocence of the Accused.

The Defence in this case has started its presentation of evidence yesterday by calling its first witness. The testimony continues today. The witness name is Bardhyl Mahmuti who is testifying without protective measures.

On 20 September the Trial Panel ordered the continued detention of Pjetër Shala. The Panel found that there continues to be a risk that Mr. Shala will obstruct the progress of proceedings or commit further crimes including against witnesses who have provided or could provide evidence in the case and/or appear before this Panel at future stages of the proceedings. The Panel further concluded that it is only through the communication monitoring framework applicable at the KSC Detention Facilities that communications can be restricted in a manner that would sufficiently mitigate these risks.

The next hearing in this case will be on 2 October starting at 9:30 in the morning.

In the case of Hysni Gucati and Nasim Haradinaj, the Supreme Court Panel on 18 September issued its Decision on Requests for Protection of Legality rejecting the requests in their entirety. The Panel dismissed the grounds of the requests by either finding there has been no violation of the criminal law, no substantial violation of the procedures by the Trial Panel and the Court of Appeals Panel or by finding them inadmissible.

All public filings, including the decisions of the Panels I mentioned can be found on the KSC website.

### **Journalist Questions**

There were no questions asked.

