



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 4 October granted the request of three relatives of a participating victim who has passed away, to participate in the proceedings on their behalf. The decision brings the number of participating victims in this case to 143.

On 3 October the Trial Panel denied the Thaçi and Selimi Defence request to postpone the testimony of three witnesses to the next evidentiary block.

The SPO had notified the parties on 15 September of the possibility that it may call the three witnesses as reserve witnesses during the evidentiary block in October. Since the names of the witnesses were not on the list of the 40 witnesses to be called first, the Defence asked for their testimony to be postponed, arguing they will not have sufficient time to prepare for cross-examination.

The Panel recalled that the witnesses are “reserve witnesses” that may, or may not be called in October depending on how realistic the estimates by the parties for the duration of witness testimonies will be. The Panel further found that the Defence received notice on 15 September of the possibility that these witnesses may testify, which is at least three weeks before the evidentiary block in October will start. The Panel also reminded that there must be a degree of flexibility in the order of appearance of reserve witnesses due to the nature of such witnesses.

As such, the Panel was satisfied that the Defence received sufficient notice and will have sufficient time to adequately prepare for the potential testimony of the witnesses and denied their request to postpone the testimony.

On 3 October, the Trial Panel granted in part the SPO’s request to admit into evidence certain items that are not linked to a witness testimony and that were seized at Mr. Krasniqi’s and Mr. Selimi’s residences. The items in question include KLA General Staff communiques, political declarations and other announcements; drafts of KLA public statements, seized from Mr Krasniqi; published archives of the KLA General Staff media agency “Radio Free Kosovo”; published archives of the KLA General Staff media “Kosovapress”; and re-publications of “Kosovapress” material in other media as well as some other items.

The Trial Panel emphasized that the fact that one of the purposes of the KLA communiques might have been to serve as propaganda and that the content of some of these might therefore contain exaggerated claims does not render them inadmissible. The Panel will determine what purpose these items were intended to serve.





On Thursday, 28 September, the Trial Panel provided written reasons for its previous oral decision to admit earlier statements of a witness into evidence, and declared moot the Defence request for reconsideration of the oral decision.

The SPO had asked for the statements the witness had made to the Special Prosecution Office of Kosovo and the SPO to be admitted into evidence because the witness testimony before the KSC was evasive and the witness said he was unable to recall any of the details. The Panel accounted for the general reliability of the previous statements, as well as the fact that the witness statements contain evidence related to an incident mentioned in the confirmed indictment including potentially incriminating material concerning the individual criminal responsibility of Mr. Thaçi and Mr. Selimi. The Panel was satisfied that the overall fairness can be maintained despite the admission of this evidence and that it is in the interest of justice to do so.

The Panel's reasoning included that the Defence had the possibility to cross-examine this witness, that the witness is part of a group of five witnesses testifying about the same incident, and that the Defence will be able to call its own witnesses and produce relevant evidence in relation to this incident. It will be for the Panel to decide what weight, if any, to give to these records.

You can find all decisions mentioned here on the KSC website.

The next hearing in this case is scheduled for Monday, 9 October starting at 9:00 in the morning.

In the Pjetër Shala trial, the Trial Panel on 29 September published their Decision from 6 September granting the Specialist Prosecutor's and Defence's requests to admit certain materials into evidence related to the testimony and reports of three expert witnesses who had testified in the trial.

The trial in the case of Pjetër Shala resumed this Monday, 2 October, with the testimony of Mr Bedri Dervishaj who is the second witness called by the Defence. On Tuesday, 3 October, the third witness, Mr Naser Koçinaj, commenced his testimony. Both witnesses testified without protective measures and were examined by Defence and Prosecution. The Trial Panel also asked some questions. According to their testimony, the two witnesses were allegedly both KLA members serving in Kukes, Northern Albania, during the time frame mentioned in the confirmed indictment.

The next hearing in this case is scheduled for 23 October starting at 9:30 in the morning.

Journalist Questions

There were no questions asked.

