



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 2 November, pursuant to an arrest order issued by the Specialist Prosecutor's Office, Mr Isni Kilaj was arrested in Kosovo by the Specialist Prosecutor's Office with the support of the Kosovo police and the European Union Rule of Law Mission in Kosovo (EULEX). Under the Law, police within the Specialist Prosecutor's Office have the authority to exercise powers given to Kosovo police under Kosovo law.

The arrest order was issued by the Specialist Prosecutor in relation to offences against the administration of justice, including obstructing official persons in performing official duties and violating the secrecy of proceedings.

Mr Kilaj was transferred to the Detention Facilities of the Kosovo Specialist Chambers in The Hague on 3 November pursuant to a Transfer Order issued by a Single Judge of the Kosovo Specialist Chambers.

Under the Law, anyone arrested by order of the Specialist Prosecutor shall be brought before a Judge of the Kosovo Specialist Chambers within 48 hours of their arrest. Therefore, on Saturday, 4 November, the first appearance of Isni Kilaj took place before a KSC Single Judge. This was a public hearing during which the Judge made sure that Mr Kilaj was informed of the reasons for his arrest and the Judge made sure that his rights under the Law and the Rules, including the right to legal representation, were respected.

On Monday, 6 November, the KSC Single Judge ordered the continued detention of Mr Kilaj, finding that there is a grounded suspicion that the suspect committed offences against the administration of justice falling under KSC jurisdiction. Due to the risk of flight, obstructing the progress of criminal proceedings and other risks listed in the decision, the Judge considered the continued detention of the suspect appropriate. The Judge also noted that further details on the reasoning underlying the present decision will be provided in a subsequent decision by 9 November 2023.

Both the Single Judge's Decision on Continued Detention and the Public Redacted Version of the Transfer Order are available on the KSC website public court records database.

In the *Thaçi et al.* trial, the 32nd witness called by the Prosecution, Mr Predrag Dedic, concluded his testimony last Thursday, 2 November. On Monday, 6 November, Mr Gjergj Dedaj, the 33rd witness called by the Prosecution, began his testimony and finished on Wednesday after questioning by the Prosecution and cross examination by two of the four Defence teams and by the Trial Panel. The 34th witness, Dragan Ivanisevic, started testimony this morning.

On Tuesday, 7 November, during the hearing in the case of *Thaçi* and others, the Trial Panel issued an oral order aimed at ensuring greater publicity of the proceedings in this case. The oral order follows an order

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issued by the Trial Panel earlier this year instructing the parties to take into account the principle of publicity and to submit concrete proposals to ensure a greater degree of publicity, in view of the number of private or closed sessions.

Pursuant to this week's order, the parties are to engage in a review of trial transcripts from private sessions within specified deadlines. This decision refers to past as well as to all future transcripts. In addition, as a general rule, the parties must further sufficiently identify a protected witness or confidential information in each of their requests for redaction of information. In so doing, they should account for the need to ensure the greatest amount of publicity while also ensuring the effective protection of those who have been granted protective measures.

The Trial Panel also introduced a measure by which the parties will simultaneously file public redacted versions of filings along with the confidential versions of those filings, unless there are compelling reasons not to do so. That would mean that any confidential filing automatically has to have a public redacted version.

In the case against Mr Sabit Januzi and Mr Ismet Bahtijari, a status conference took place on 3 November. During the status conference, updates on the progress of the investigation, the translation of evidentiary material, and other matters aimed at ensuring the efficient management of proceedings were discussed. The Pre-Trial Judge also issued an oral order directing the Prosecution to file its pre-trial brief by Friday, 2 February 2024.

In the same case, on 2 November, the Registrar informed the Pre-Trial Judge that Mr. Januzi has chosen Mr Jonathan Elystan Rees as Counsel, and that the Registrar conditionally approved Mr Huw Bowden as duty Co-Counsel for Mr Januzi.

Journalist Questions

There were no questions asked.

