



## 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 1 December 2023, the Trial Panel in the *Thaçi et al.* case issued a further decision on the Prosecution's request for modification of the detention conditions of Hashim Thaçi, Kadri Veseli and Rexhep Selimi. The decision replaces the Trial Panel's interim decision of 17 November.

In its decision, the Trial Panel found that the three accused appear to have disclosed to visitors confidential information received in the context of the proceedings or elicited during the testimony of protected witnesses.

Without making findings about whether the conduct reflected in transcripts of such visits constitutes a criminal offence, the Judges noted a substantial risk that the three accused will disclose privileged information to unauthorised third parties, unless adequate measures are put in place.

Accordingly, the Trial Panel ordered that a system be put in place by the Registry which focuses on identifying and excluding from visits and communications with the three accused only those individuals who could pose a threat to the integrity of the proceedings or engage in conduct incompatible with the regulations of the Detention Management Unit.

Specifically, visits and communications with these three accused by persons other than their Defence Counsel, the International Committee for the Red Cross or the KSC Ombudsperson, will be subject to the prior approval of the Registrar, so that all relevant legal, practical and security considerations are taken into account. Among other measures, the Trial Panel also ordered changes to the conditions of visits. For example each of the three accused cannot meet with more than one visitor at a time, with the exception of spouses and children.

More detail on the measures related to restrictions on the communications and visits of the three accused can be found in paragraphs 51-53, 55-60 and 62-78 of the decision on the KSC website. The Trial Panel will review the measures every six months and the Registrar will report to The Trial Panel on the implementation of the decision every two months.

In two other decisions on 1 December in the same case, the Trial Panel granted the Prosecution's motion to admit into evidence the written statements of three witnesses and authorised another witness to testify via video-conference due to medical issues. On 5 December, the Trial Panel partially granted a Prosecution request and admitted into evidence certain videos, books and newspaper articles.

During the *Thaçi et al.* trial this week, two witnesses have testified so far. On Monday, 4 December, Sadik Halitjaha who is a former KLA officer, resumed his testimony. Following the conclusion of his testimony on

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Tuesday, the 38<sup>th</sup> witness called by the Prosecution, Sandra Mitchell, a former OSCE official in Kosovo, began her testimony.

Trial hearings in this case are scheduled next Monday to Wednesday.

The Court of Appeals Panel has scheduled the pronouncement of the appeal judgment in the case of the Specialist Prosecutor v. Salih Mustafa for next Thursday, 14 December at 09:30.

The hearing will be public and can be followed in Albanian, Serbian or English through the streaming page of the KSC website (<https://www.scp-ks.org/en/streaming>) with a 10-minute delay, or from the public gallery at the premises of the court.

Pre-registration is required to follow this hearing in-person in the public gallery of the Kosovo Specialist Chambers.

After the pronouncement of the appeal judgment on 14 December, a regular weekly press briefing will be held at 14:30. Journalists may attend in the press briefing room or via Zoom.

### **Journalist Questions**

There were no questions asked.

