



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.

This morning, the Court of Appeals Panel in the case of the Specialist Prosecutor v. Salih Mustafa, composed of Judges Michèle Picard, Kai Ambos and Nina Jørgensen, issued the first appeal judgment of the Kosovo Specialist Chambers (KSC) in a case dealing with war crimes.

The Appeals Panel affirmed Mr Mustafa's convictions for the War Crimes of Arbitrary Detention (count 1), Torture (count 3), and Murder (count 4).

Mr Mustafa's appeal was comprised of nine grounds, divided into 51 sub-grounds. The Appeals Panel dismissed eight grounds raised by Mr Mustafa challenging the Trial Judgment, while granting in part his challenge to the Trial Panel's imposition of a sentence of 26 years of imprisonment for the three counts on which he was convicted.

While fully cognisant of the Trial Panel's broad discretion in sentencing and keeping in mind that sentences cannot be easily transposed from one case to another, the Appeals Panel nevertheless found that in cases before both international tribunals and Kosovo courts concerning war crimes comparable to those for which Mr Mustafa was sentenced, shorter sentences were imposed than those imposed by the Trial Panel on Mr Mustafa.

Accordingly, the Appeals Panel reduced Mr Mustafa's individual sentences for the war crimes for which he was convicted and reduced his overall single sentence from 26 years to 22 years of imprisonment, with credit for time served.

In pronouncing its judgment, the Court of Appeals Panel emphasised that the judgment "is a significant step towards providing justice to victims and ensuring accountability," and that the reduction of Mr Mustafa's sentence, "in no way suggests that the crimes for which he has been convicted and sentenced are not grave."

The Appeals Panel noted that Mr Mustafa did not appeal the Reparation Order issued by the Trial Panel, which awarded reparations to eight victims participating in the proceedings, and that its decision does not affect the Reparation Order.

The Appeals Panel also stressed that it had confirmed Mr Mustafa's convictions for which he was found "individually criminally responsible" for the war crimes of torture, arbitrary detention and murder, and that, "neither the KLA nor the Kosovo people were the subject of these proceedings, and they have not been found responsible for or convicted of these crimes."

A summary of the Appeal Judgment can be found on the [KSC website](#).

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The President of the Kosovo Specialist Chambers (KSC), Judge Ekaterina Trendafilova, on 12 December 2023, decided to modify Mr Nasim Haradinaj's sentence to provide for his release on or about 14 December 2023, under the conditions set forth in the decision

In line with the decision Mr Haradinaj was released today.

The conditions of his release will continue to apply for the duration of the sentence imposed by the Court of Appeals Panel, namely for the remainder of the four year and three-month sentence.

The President considered that while the offences for which Mr Haradinaj was convicted are indisputably grave, there were a number of factors that weighed in favour of modification of his sentence.

Notably, the President found that Mr Haradinaj had an opportunity to reflect on his actions while at the KSC's Detention Facilities and that the recent report received from the Registrar showed that he had abided by the rules of the Detention Facilities over the past few months. The President further noted Mr Haradinaj's expressions of regret and his firm commitment to refrain from engaging in any further acts that could qualify as offences against the administration of justice and to abide by any conditions imposed on his release.

The President emphasised that if Mr Haradinaj fails to adhere to any of the conditions set forth in the decision the decision will be revoked.

In other developments, on Monday, 11 December 2023, Mr Haxhi Shala was arrested in Kosovo by the Specialist Prosecutor's Office, pursuant to an arrest warrant, transfer order and confirmed indictment issued by a Pre-Trial Judge of the Kosovo Specialist Chambers.

Haxhi Shala was transferred to the Detention Facilities of the Kosovo Specialist Chambers in The Hague on the following day, 12 December, and his initial appearance before the Pre-Trial Judge took place on 13 December.

During an initial appearance the Pre-Trial Judge makes sure that the rights of the accused, including the right to legal representation, are respected, and that the accused understand the charges against them.

The confirmed indictment charges Haxhi Shala with intimidation and attempting to obstruct, by serious threat, official persons in performing official duties, both individually and by participating in the common action of a group.

The charges relate to alleged meetings with a witness in order to induce the witness to withdraw evidence or refrain from providing evidence in official proceedings before the Kosovo Specialist Chambers.

The first status conference in this case is scheduled to take place tomorrow, 15 December, at 09:30.





In the *Thaçi et al.* case, last Thursday and this Monday, former OSCE official Sandra Mitchell continued her testimony.

On Monday, the 39th witness called by the Prosecution in the case, Dejan Jeftic, began his testimony. According to the short summary read out by the Prosecution in court, the witness was arrested by armed Albanians in July 1998, some of whom were wearing black uniforms, and was then taken to Budakovë/Budakovo.

In the same case, on 12 December, the Trial Panel partially granted the Specialist Prosecutor's request to admit into evidence certain witness statements, together with associated written records and exhibits. On 13 December, the Trial Panel granted a Prosecution request to order measures to facilitate the in-court testimony of a witness employed at an international organization.

At the beginning of the hearing on Tuesday, the Defence of Kadri Veseli requested an adjournment of the hearings this week due to the sudden and tragic death of Defence team member Andrew Strong. The Trial Panel cancelled the rest of the hearings scheduled this week. The trial will resume on 15 January 2024.

Our sincerest condolences go to Andrew Strong's family and friends.

In the trial of Pjetër Shala, on 11 December, the Trial Panel issued its fourth decision on the lifting of redactions or application of new redactions in trial hearing transcripts and their reclassification. With a view to respecting the principle of publicity, the Trial Panel authorised, among others, the reclassification as public of parts of the transcripts of trial hearings held in private session between 21 August and 3 October 2023.

In the same case, on 12 December, the Trial Panel granted a Defence request admitting into evidence certain material related to the testimony of a witness.

The next hearing in the Pjetër Shala trial is scheduled to take place after the court's winter recess, on 9 January 2024.

In the case of Sabit Januzi and Ismet Bahtijari, the third status conference is taking place today, 14 December. In the scheduling order for the hearing, the Pre Trial Judge asked for the parties' views on the transmission of the case file to a Trial Panel by 15 March 2024, and for updates on when the Parties expect to be ready for trial.

In other news, the KSC judicial recess period will start on Monday, 18 December, and last until Friday, 5 January 2024. During this period, no hearings are held and some non-essential services are reduced to a minimum. However, the court remains fully functional and work continues across all sections of the KSC.





Filings are possible during the recess and, unless otherwise ordered by the Judges, judicial deadlines continue running. There will be no press briefings during the court recess, so the next KSC press briefing is scheduled for Thursday, 11 January 2024 at 14:30.

Journalist Questions

There were no questions asked.

