



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 8 February 2024, the Pre-Trial Judge granted the request by the Prosecution to join the case against Sabit Januzi and Ismet Bahtijari with the case against Haxhi Shala.

The Judge found that joining the two cases into one would serve the proper administration of justice. The three accused are all charged with the same alleged offences (obstructing official persons and intimidation during criminal proceedings) on the basis of the same events. Specifically, both indictments allege that Mr Shala, Mr Januzi and Mr Bahtijari jointly coordinated and acted as a group in approaching a protected witness for the purpose of dissuading him from participating in proceedings before the Kosovo Specialist Chambers. The Judge also found that joining the cases would not be prejudicial or inconsistent with the rights of the accused.

On 9 February, the Pre-Trial Judge ordered the continued detention of Haxhi Shala finding that there is a moderate risk of flight and articulable grounds to believe that Mr Shala may obstruct the progress of Specialist Chambers proceedings, or commit further offences.

A status conference in the joint case against Sabit Januzi, Ismet Bahtijari and Haxhi Shala was held on Tuesday, 13 February. During the status conference, the Pre-Trial Judge issued several oral orders, including orders related to the funding of Defence Counsel for the accused. Having heard the Defence and the Prosecution, the Pre-Trial Judge ordered the KSC Registry to urgently contact the Kosovo Ministry of Justice for clarification about the status of any funding by the Ministry in this regard, and to report back by 20 February 2024.

The next status conference in the case will be scheduled in March.

On 8 February the Trial Panel in the case of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi declined to consider the merits of one victim's application to participate in the proceedings, finding it untimely. Over 140 victims have been admitted to participate in the proceedings in the *Thaçi et al.* case.

On 9 February, the Trial Panel in the same case issued a decision related to the detention measures put in place in December for three of the accused: Hashim Thaçi, Kadri Veseli, and Rexhep Selimi.

As background, on 1 December 2023, the Trial Panel introduced some restrictions on visits and communications for these three detainees in order to protect witnesses, after the Prosecution provided transcripts in which it appeared that the accused told visitors about the confidential testimony of protected witnesses.





However, as part of their decision in December, the Judges decided not to place any restrictions on “private visits”, which means special visits with a detainee’s spouse or partner and/or children conducted outside the sight and hearing of Detention Officers.

In their decision of 9 February, the Trial Panel considered information from the Registry about further instances of confidential information being disclosed during visits and stated that “Mr Selimi mentioned confidential information about protected witnesses to two unauthorized parties on at least two occasions and in so doing disclosed confidential information. Similarly, Mr. Thaci mentioned confidential information to two members of his family and in so doing disclosed confidential information.”

However, the Trial Panel again decided not to introduce any restrictions for private visits with spouses or partners and children.

Although the Trial Panel did not introduce restrictions on private visits, the judges noted that “[w]here [...] the Registrar (or the Chief Detention Officer) is in possession of information that there is a credible risk of such information being disclosed during a visit, including a private visit, the Registrar (or, acting on her behalf, the Chief Detention Officer) has the authority to refuse such a visit and/or to impose those measures that are proportionate and necessary to effectively addressing that risk.”

The Judges also warned the accused and Defence against revealing confidential information including protected witness testimonies during visits to the detention facilities.

The Judges also affirmed that a detainee may challenge before the Trial Panel any decision by the Registrar to deny or impose restrictions on a specific private visit.

On 14 February in the same case, the Trial Panel approved the withdrawal of Gregory Kehoe as lead Counsel for Hashim Thaçi effective on the day when the KSC Registrar appoints a new lead Counsel to represent Mr Thaçi.

In a separate matter related to Counsel, having received the request by Venkateswari Alagendra in relation to her potential appointment as Counsel for Salih Mustafa, the Trial Panel in the *Thaçi et al.* case found on 8 February, that a potential conflict of interest could potentially arise if she were to represent Salih Mustafa in addition to her current appointment as Counsel for Jakup Krasniqi. However, the Trial Panel emphasized that its decision should not be regarded as expressing its view on whether Ms Alagendra should be appointed as Mr Mustafa’s counsel, as these matters are decided by the Registrar.

The next hearing in the Thaci et al trial is scheduled to take place next Tuesday, 20 February, starting at 09:00.

Journalist Questions

There were no questions asked.

