



## 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 *Thaçi et al.* trial, hearings resumed this week. On Monday, Skender Zhitia testified. The witness was a member of the KLA in the Llap operational zone during the war and later authored a book on the military history of the KLA in that zone. In a written filing in February, it was explained that the Prosecution intended to rely upon the witness's testimony in respect of, among other things, the establishment of a specific KLA unit and the structure and development of a specific operational zone.

On Tuesday and Wednesday, a former KLA member who was present in Kosovo and Albania in 1998 and 1999 testified under protective measures.

According to court filings earlier this year in May, this witness joined the KLA in 1998 and held a number of positions during the conflict, as a result of which he acquired knowledge and information relevant to the case. According to these filings, the Prosecution intended to rely upon the witness's statement regarding, among other things: (i) the authority of the General Staff and zone command, and the authority of the brigade commanders over units within the brigade; (ii) the whereabouts of specific KLA members in 1999; and (iii) KLA members present at a particular location in the summer of 1999.

The Judges decided to admit the written statement of this witness under Rule 154, which means he is available to be cross-examined by the Defence in court.

On Wednesday, another protected witness took the stand. Their testimony continued in closed session yesterday and today.

Victims' Counsel in the *Thaçi et al.* case notified the Trial Panel this week that one of the victims participating in the proceedings in the case has passed away. Victim 02/06 was admitted to participate in the proceedings on 21 April 2021 as a result of having suffered physical and mental harm from his detention. There are now 153 victims participating in the proceedings in this case, including both Albanian-speaking and Serbian-speaking victims.

In the same case, on 22 August, the Registrar notified the Trial Panel that she had conditionally appointed Rodney Dixon as Kadri Veseli's new Defence Counsel and terminated the appointment of Ben Emmerson, following the decision by the Trial Panel accepting Mr Emmerson's withdrawal from the case.

On 27 August, the Pre-Trial Judge in the case of Sabit Januzi, Ismet Bahtijari, and Haxhi Shala rejected a request by the Haxhi Shala for him to be tried separately from Mr Bahtijari and Mr Januzi. The Defence had argued that Mr Shala's case has faced successive delays to date and that it will face further delays due to new





charges in the indictment against Mr Bahtijari and Mr Januzi. Therefore, the Defence argued, Mr Shala should be tried before the other two defendants, in order to protect his right to an expeditious trial.

In her decision, the Pre-Trial Judge observed that, contrary to what the Shala Defence claimed, the transmission of the case file to the Trial Panel is set to occur in the foreseeable future, namely two days after the 2 September deadline for the Defence to submit their pre-trial briefs.

The Pre-Trial Judge also found that the reasons that led to Mr Shala's case being joined with the case of Mr Bahtijari and Mr Januzi remain valid today. In particular, the three accused are charged with the same offences based on the same events, in which a KSC witness was allegedly intimidated, including by use of serious threat.

In the same case, the Pre-Trial Judge dismissed a request by the Bahtijari Defence for a further extension of the time needed to file a pre-trial brief, and a request by the Januzi Defence to appeal an earlier decision regarding alleged defects in the indictment. As mentioned earlier, the deadline for filing the Defence pre-trial briefs is 2 September and the case is to be transmitted to the Trial Panel two days after this.

