



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.* case the Trial Panel on 12 September rejected a request by the Selimi Defence to redact certain evidence from a previous witness statement when presenting it to the witness during the preparation session for the testimony. The defence had argued that the relevant evidence was not on the exhibits list. The Selimi defence further requested the Panel to caution the Prosecution not to influence the witness during such preparation session.

The Panel reminded that the law requires that during a preparation session, the questioning lawyer must provide the witness with an opportunity to review their prior statements, even if part of it will not be relevant for the actual testimony. This is to ensure that witnesses have a reasonable opportunity to familiarise themselves with their prior statements before they begin to testify.

The Panel further found that given that the Panel had excluded a substantial part of the witness' proposed evidence, it was reasonable for the prosecution to explain to the witness that there was still important evidence he was permitted to give. The Panel concluded that the manner in which this was done was not unreasonable or unfair.

On 13 September, the Trial Panel granted a request by the Prosecution to allow for the testimony of one witness via video link. Based on the recommendation of the Registry, the Panel further ordered the modification of the hearing schedule so that the witness can start their testimony at 12 on the first day of testimony and at 11 on any subsequent day of the testimony. To ensure efficient use of court time, the Panel ordered the Prosecution to try and schedule reserve witnesses to testify between 9:00 and 10:30 in the morning.

On 13 September, the Panel granted a request by the Prosecution finding the admission into evidence of the statements and associated exhibits of 12 witnesses appropriate once they have also appeared in Court.

Also on 13 September, the Trial Panel ordered the continued detention of Jakup Krasniqi and Rexhep Selimi. The Panel found that for both accused there continues to be a risk that they may obstruct the progress of proceedings and/or commit further crimes against those perceived as being opposed to the KLA, including witnesses who have provided or could provide evidence in the case and/or are due to appear before the Specialist Chambers. The Panel reiterated the persistent climate of witness intimidation in Kosovo and pointed out that it appears that Mr Selimi disclosed privileged information to unauthorised third parties. The Panel concluded that it is only through the communication monitoring framework applicable at the Specialist Chambers Detention Facilities that accused's communications can be restricted in a manner that would sufficiently mitigate these risks.





During the week, four witnesses called by the prosecution testified before the court. According to the summary provided by the Prosecution, the first witness is a former KLA member in the Pashtrik Operational Zone. The testimony of this witness was mostly in private session. The second witness testified via video link and with protective measures and spoke about their abduction by armed KLA members in Fushë Kosovë/Kosovo Polje in mid-June 1999 and their later detention at different locations. This morning, the 87th witness commenced the testimony, also via video-link. According to the Prosecution, the witness, Halim Berisha, in April 1999 escorted a person to the Zllash detention compound and later learned that they had died. This afternoon, another protected witness started their testimony via video-link speaking about their arrest by certain KLA members in 1999 and their detention at the Kukës metal factory in Albania.

Judges can order protective measures on a case by case basis, most of the time to protect the identity of victims and witnesses. However, while the testimony is closed to the public, the accused and their defence counsel can hear and see the witness.

The next hearing in this case is scheduled for Monday, 23 September 2024 starting at 9 in the morning.

In the Pjetër Shala case, a pre-appeal conference is scheduled for tomorrow, 20 September. During the hearing, the parties are expected to make submissions and the Panel will ask for an update on the progress made with the translation of the trial judgment into Albanian. The Registrar had informed that a draft of the translation would be shared by 6 September and the final version of the translation at the end of October 2024. The Specialist Chambers translate all public documents and filings into the three languages of the court, Albanian, Serbian and English, as rapidly as possible.

During the week, the Specialist Chambers' outreach team met with university and high school students in Pristina and Ferizaj/Uroševac and with minority communities in Llaplasselje/Laplje Selo. During these meetings, the team discussed the mandate and proceedings of the court with the respective audiences. They also conducted a round table with journalists in Pristina to provide up to date information on the trials and to answer questions.

