



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 19 September granted a Prosecution request to admit into evidence three witness statements and their associated exhibits once the witnesses have appeared in court. The Panel found that the probative value of the written statements outweighs any prejudicial effect, especially considering that the Defence has the opportunity to cross-examine the witnesses. The Panel further found that admitting the witness statements in writing will contribute to the expeditiousness of proceedings as it would significantly reduce the number of hours required for direct examination.

On 20 September, the Panel granted two Prosecution requests to allow for the testimony of two witnesses to take place via video conference due to the witness' personal situation. The Panel was satisfied that the testimonies via video-conference will cause no prejudice to the Accused and are compatible with the effective protection of their rights, as the witnesses will be examined under the same conditions as those in the courtroom.

During the week, three witnesses called by the Prosecution testified before the court. According to the summary provided by the Prosecution, the first, Demush Krasniqi, joined the KLA around May 1998 and later served as a member of the military police in the 122nd Brigade. The second witness testified under protective measures and mainly in closed session. The third witness testimony began this morning under protective measures. According to the summary provided by the Prosecution, the witness was arrested by certain KLA members in 1999 and taken to a KLA compound where he was subjected to mistreatment. So far 91 witnesses have testified in court in this case.

The next hearing in the *Thaçi et al.* case is scheduled for Monday, 30 September, at 9:00 in the morning.

In the case of Salih Mustafa, President Trendafilova on 23 September assigned a Constitutional Court Panel to decide on the joint request by Victims' Counsel and the Prosecution to extend the time for their referrals concerning their potential challenges of the recent Supreme Court decision and subsequent new sentence for Mr. Mustafa, which was pronounced by the Appeals Panel on 10 September. The Specialist Chamber of the Constitutional Court on 25 September rejected their request in its entirety finding it was not necessary for the efficiency of the proceedings to "synchronize" the time frames for their submissions and that they have therefore failed to show good cause for their request. The Constitutional Court Panel consists of Judges Vidar Stensland, Roumen Nenkov and Romina Incutti.

In the *Pjetër Shala* case, the Appeal Panel granted, in part, a request by the Prosecution and ordered Mr. Shala to file an amended version of his notice of appeal which should not exceed 3200 words. The Panel found that parts of the previous notice of appeal lacked clarity and failed to comply with the word limit of 3000 words and as such did not comply with the Practice Direction on Files and Filings. Nevertheless, on an

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exceptional basis, the Panel found it appropriate to grant a more limited extension of 200 words in order to allow Mr. Shala to comply with the instructions provided in the Decision.

The public redacted version of the trial judgment in this case became available in English on 24 September 2024 and can be found on the website of the Specialist Chambers.

In the case of Sabit Januzi, Ismet Bahtijari and Haxhi Shala, the Trial Panel scheduled trial preparation conferences from 7 to 9 October from 9:30 – 17:30 with 10 and 11 October as reserve days in case additional time will be needed. Apart from the Trial Panel, the Prosecution, Defence and Registry are expected to be present during these hearings. The Panel ordered the Prosecution and the Witness Protection and Support Unit to provide up to date information concerning the security of witnesses and related matters. The Panel also ordered the parties to file any relevant submissions prior to the preparation conferences, for example on the status of investigations or on witnesses they intend to call. The Panel further announced that it will schedule trial hearings in a manner that takes full advantage of available court room time and asked the Defence to make all necessary arrangements to ensure their availability on any scheduled hearing. The Trial Panel ordered the parties to provide a reason for any confidential filing and an indication when it can be re-classified.

The envisaged date for the start of the trial is the 11 November with the first Prosecution witness expected to appear between 11 and 15 November.

On 19 September, President Ekaterina Trendafilova assigned a Supreme Court Panel to decide on Haxhi Shala's request for reconsideration of the decision by the Supreme Court in which it rejected Mr Shala's request for protection of legality concerning his continued detention. The Supreme Court Panel found that there was no substantial violation of the procedures on the part of the Pre-Trial Judge, who initially ordered the accused's continued detention, or by the Appeals Panel that upheld the decision. As Mr. Shala's request is to reconsider their previous decision, the President assigned the same Judges, which are Judges Ekaterina Trendafilova, Christine van den Wyngaert and Daniel Fransen.

On 18 September, the Single Judge rejected the request of Isni Kilaj for a temporary variation of the conditions applicable to his release with the aim of allowing Mr. Kilaj to travel to Albania for a short vacation. The Single Judge found that a previously existing risk of flight has been heightened by the submission of the amended indictment on 28 June. She further found that the variations of the conditions proposed by the Defence would not sufficiently address this risk and would effectively remove the already limited safeguards currently in place to minimize the risk of Mr. Kilaj obstructing the progress of proceedings and/or committing further crimes. Moreover, while the Single Judge acknowledged that the risk of forfeiting the amount paid as bail might have an important disincentive effect on any potential non-compliance by Mr Kilaj, she also recalled that bail alone was never considered sufficient to mitigate or minimise the risks related to him.

