



Press 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.

I would like to begin with a remark in response to misleading and incorrect media reporting, and to statements made by the Kosovo Ombudsperson, on a report prepared by the Bar Human Rights Committee of England and Wales, the BHRC, which was commissioned by the Office of the Kosovo Ombudsperson.

Contrary to recent media reporting, the BHRC Report contains no finding that any decision by Specialist Chambers judges has violated the human rights of any accused. Nor does the Report conclude that the Specialist Chambers' jurisprudence violates or conflicts with the case law of the European Court of Human Rights, or any ad hoc international tribunal, including the ICTY. The BHRC Report equally makes no finding that decisions on pre-trial detention have breached any human rights convention. In fact, the Report reflects on the effective availability of judicial remedies before the Specialist Chambers, and notes that many issues are still pending before the Judges and may be appealed before higher instances.

It should further be noted that many of the points raised by the Kosovo Ombudsperson and examined in the BHRC Report mainly reflect arguments drawn from Defence submissions. They do not engage with the positions of the Prosecution or Victims' Counsel, nor with the specific reasoning of the Panels in their respective decisions.

The Report itself acknowledges that many of the issues it addresses remain subject to ongoing litigation and are therefore still to be determined by the Judges.

The Specialist Chambers takes this opportunity to recall the distinct roles of the parties before it. The Defence represents and protects the interests of the accused in





the proceedings. Victims Counsel represents and protects the interests of participating victims. The Prosecution bears the burden of proving the charges it has brought. And it is the Trial Panel alone that determines the facts, evaluates the evidence, and decides whether guilt has been established beyond reasonable doubt. Any of these decisions may be appealed. A fair and accurate understanding of the Specialist Chambers' work therefore requires careful attention to the full reasoning set out in the Judges' decisions, not only to the positions advanced by any one party.

It is also important to note that neither the Kosovo Ombudsperson nor the BHRC has any standing before the Specialist Chambers, and that the report will not have any effect on the work of the court.

Turning now to developments in the cases before the court.

In the *Thaçi et al.* trial concerning alleged war crimes and crimes against humanity, the Trial Panel on 5 May issued an order extending the deadline for the pronouncement of the trial judgment by 60 days, namely until 20 July 2026. The Panel found that the circumstances of the case require additional time, citing the volume of evidence and the complexity of the proceedings. I want to be clear that 20 July is not the date for the pronouncement of the judgment itself, but only the date of the extended deadline by when the trial judgment would be issued. The Panel highlighted that, should a further extension be absolutely necessary, it will issue an order to that effect in due course.

In the trial of Hashim *Thaçi*, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu, and Hajredin Kuçi on the alleged influencing of witnesses, the last witness in this case, called by the *Thaçi* Defence is expected to testify during the week of 11 to 15 March. This was announced in a decision issued by the Single Trial Judge on 29 April, which became public on 4 May. In that decision, the Single Trial Judge directed the Defence to close their cases by Thursday 14 May 2026, adding that the Defence will be permitted to submit additional evidence depending on the outcome of an appeal on specific evidence the Prosecution has requested to be admitted.





The Single Trial Judge further ordered the Prosecution to file requests for the admission of any rebuttal or rejoinder evidence by no later than 15 May.

The Single Trial Judge also informed the parties that they must be prepared to file their final trial briefs by Friday 19 June, with closing statements to be held 21 days thereafter. The Single Trial Judge highlighted that confirmation of these dates depends on the outcome of some interlocutory appeals that are still pending.

On 1 May, a decision of the Single Trial Judge dated 27 March became public, in which he rejected a request by the Prosecution to admit a report from an expert witness who had testified in March this year. The witness had refused to answer certain questions about his methods on grounds of confidentiality. The Single Trial Judge found the report inadmissible, as the methods applied were not sufficiently transparent to permit a meaningful assessment of its probative value. The Judge concluded that admitting the report would be prejudicial to the Defence and rejected it accordingly. The Single Trial Judge did, however, admit the testimonial evidence of the expert witness.

In the same decision, the Single Trial Judge granted a request by the Defence teams of Mr. Kilaj and Mr. Smakaj to increase the word limit for a joint motion related to the expert report, noting that the Prosecution did not oppose the request and that it fell within the total applicable word limit had each Defence team filed their responses separately, as they were entitled to do.

Also on 1 May, a decision dated 22 April became public, in which the Single Trial Judge rejected the admission into evidence of an expert report that the Taçi Defence had sought to introduce as a stand-alone exhibit, not linked to any witness testimony. The Single Trial Judge found it inappropriate to admit the report into evidence because it addresses the legal interpretation of the very provisions of the Kosovo Criminal Code that are to be applied in the present case. The Single Trial Judge drew a clear distinction between expert reports, which may address questions of fact or of foreign





law, and the interpretation of the applicable law, which falls exclusively within the province of the Judge.

Also on 1 May, a decision dated 14 April became public, in which the Single Trial Judge granted Fadil Fazliu's request for a variation of the conditions for his release, permitting him to resume contact with his son Fahri Fazliu. The Single Trial Judge recalled that the contact restriction had been imposed because of the risk that Mr. Fazliu might influence his son, inadvertently or intentionally, who could in turn contact potential Defence witnesses. In the view of the Single Trial Judge, several procedural developments have since substantially reduced that possibility, and the reasons underpinning the restriction therefore no longer exist.

On 4 and 5 May, decisions of the Single Trial Judge dated 12 February and 23 March became public, granting in part a request by the Prosecution to admit evidence as stand-alone exhibits, not linked to witness testimony. The Single Trial Judge admitted those exhibits that were found to be relevant to the case, authentic, and not prejudicial towards the Defence.

On 5 May, the Single Trial Judge granted a request by Mr. Taçi and authorised him to attend hearings for the presentation of the Defence case via video-conference. All accused have now been authorized to attend the hearings via video-conference.

Hearings in this case are scheduled for the week of 11 to 15 May, between 9:30 and 16:30.

Finally, in the case of Pjetër Shala, the President of the Specialist Chambers, President Ekaterina Trendafilova, on 1 May assigned a Supreme Court Panel to decide on the Defence Request for Protection of Legality against the Decision on the Defence Appeal Against the Reparation Order. The Panel consists of Judge Ekaterina Trendafilova as Presiding Judge and Judges Christine van den Wyngaert, and Daniel Fransen.





Questions: One journalists asked if hearings during the week 11-15 May will go ahead considering that the 11 May is an official holiday in Kosovo. KSC Spokesperson responded that she would double check and confirmed later in writing that hearings during that week will go ahead as planned.

