



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.

In the trial of Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuçi, the Single Trial Judge decided on 2 June to extend detention for Hashim Thaçi. The other four defendants in this case are all defending themselves from outside of detention. Bashkim Smakaj, Isni Kilaj and Fadil Fazliu were provisionally released, while Hajredin Kuçi was not detained at any point in the proceedings.

In his decision on Mr. Thaçi's detention, the Trial Judge recalled a grounded suspicion of extensive efforts by Mr Thaçi to obstruct the proceedings in his war crimes trial, viewed also in the context of a prevalent climate of witness intimidation in Kosovo in relation to cases involving allegations against former KLA members. The Judge also considered whether and how the current stage of the trial, which is nearing its conclusion, should affect the decision on detention. He found that there remains a risk, notwithstanding the imminent closure of evidence in the case, of retaliation against or efforts to influence highly sensitive witnesses.

Besides examining the necessity of detention, the Trial Judge also examined whether Mr. Thaçi's detention could still be considered reasonable and proportionate, finding that it was. Among other factors, he noted that the potential sentencing range arising from the charges against Mr. Thaçi is much higher than that against his co-Accused and that Mr. Thaçi's alleged leadership role in efforts to obstruct justice reflects a much higher degree of risk.

In line with the KSC's legal framework, Mr. Thaçi's detention will be reviewed again in two months by the Judge, who will assess whether it remains justified and proportionate.

In the same case, on 3 June, an earlier decision of the KSC President was made public in which she assigned an Appeals Panel to decide on an appeal filed by the Thaçi Defence against the Trial Judge's decision on the admission of international reports.

In the trial of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, the Appeals Panel decided on 28 May on an appeal by Rexhep Selimi to a March decision by the Trial Panel denying him provisional release. The Appeals Panel dismissed the appeal. Among other grounds for appeal, the Defence had complained that a confidential assessment from the Registry's witness protection and support office, which the parties did not have access to at the time, had been a significant factor in the Trial Panel's decision to extend detention.

The Appeals Panel found that the Trial Panel had relied on this document only to a limited degree and that it was not determinative to the Trial Panel's finding that a risk of obstruction by Mr. Selimi continued to exist. The Judges also noted that the Defence had access to a redacted version of the assessment before the filing of the Appeal and could have therefore made concrete submissions on any alleged prejudice caused by it.





Following the Appeals Panel decision, the Trial Panel set deadlines for the parties to make new submissions related to the regular two-monthly review of Mr. Selimi's detention by the Trial Panel. Mr. Selimi had waived his right to a bi-monthly review of detention pending the outcome of his appeal.

In the Pjetër Shala case, the Supreme Court Panel granted a request by the Defence for an extension of five days to file a reply to Victims' Counsel's response in relation to a referral filed by Mr. Shala's before Supreme Court Chamber in relation to the Reparation Order issued in his case. The new deadline to file his reply is 10 June.

