



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 case of Hashim Thaçi, Bashkim Smakaj, Fadil Fazliu, Isni Kilaj and Hajredin Kuçi, on 14 January became public Mr. Smakaj's plea of not-guilty from 3 January. The Rules of Procedure and Evidence provide that an accused has 30 days of their initial appearance to admit guilt or plead not guilty in regards to each charge listed in the confirmed indictment. If an accused fails to enter a plea within this time, the Pre-Trial Judge will automatically plead "not guilty" on their behalf. The Pre-Trial Judge had set the deadline of 7 January for the accused to enter their plea.

In the war crimes case of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, the Trial Panel on 13 January ordered the continued detention of Jakup Krasniqi and Rexhep Selimi finding that for both accused there continues to be a risk that they may obstruct the progress of proceedings and/ or commit further crimes.

The Panel was mindful that at this stage of the proceedings the names and personal details of certain highly sensitive witnesses have been and will continue to be disclosed to the accused, and will therefore become known to a broader range of persons. This, in turn, increases the risk that sensitive information pertaining to witnesses becomes known to members of the public before the witnesses in question give evidence. In this context, the Panel considers that the release of an Accused with sensitive information in their possession would not be conducive to the effective protection of witnesses who are yet to testify.

Regarding the conduct of Mr Selimi in the Detention Facilities, the Panel recalled its finding that it appears that Mr Selimi disclosed privileged information to unauthorised third parties. Such conduct supported and reinforced the Panel's finding that the release of Mr Selimi constitutes a risk of obstruction with the progress of proceedings.

During this week, three witnesses testified in court in this case. William Goodwin testified as an expert witness on questions relating to DNA identification. The second witness, Sokol Dobruna, testified via video link and was assisted by a duty counsel during his testimony. The Panel had adjusted the hearing schedule during the testimony to not overburden the witness, and parties were requested to pace their questions in a way that facilitated the witness' memory and to minimize repetitive or leading questions. In the end, the parties agreed to admit into evidence previous statements made by the witness rather than his testimony in court. The third witness testified via video link and with protective measures. According to the summary provided by the Prosecution, the witness was arrested in 1999 by armed KLA members and taken to a detention site where he was subject to mistreatment.

The next hearing in this case is scheduled on Monday, 20 January starting at 9 in the morning.





In the case of Pjetër Shala, the Court of Appeals Panel on 10 January granted in part a request by the Defence to order the Prosecution to disclose any statements and testimonies concerning a specific witness whose testimony, according to Mr Shala, included evidence relevant to Mr Shala's defence case. The Defence had asked the Appeals Chamber to find that the Prosecution had failed to comply with their disclosure obligations and to take this into consideration when assessing Mr. Shala's arguments on appeal that his trial has been unfair.

The Appeals Panel found that the Prosecution has failed to discharge its disclosure obligations with regard to the specific witness in a timely manner. However, the Panel recalled that as a general rule, appeals from judgments are not the proper vehicle to advance disclosure violations identified only during the appeals proceedings as they are normally limited to challenges against findings made by a lower panel. The Panel reminded that the issue in question is if the defence could demonstrate that this disclosure violation caused any prejudice towards Mr. Shala. In that regard, the Panel noted that the Defence has already filed a separate motion before the appeals panel that is currently under consideration and that deals with the respective issues relating to prejudice and relevance of the said evidence.

In recent weeks, comments have been made about the conditions of detention. I would therefore like to take the opportunity to clarify that the KSC Detention Facilities are monitored by the International Committee of the Red Cross (ICRC), which carries out regular, unannounced, and independent inspections on the detention unit's compliance with human rights, international law, and accepted standards of treatment. The KSC Ombudsperson also carries out regular inspections to monitor the conditions of detention.

