



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 Thaci, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi on charges of war crimes and crimes against humanity, trial hearings were held on Tuesday and Wednesday of this week. On Tuesday, the 122nd witness called by the Prosecution testified. The witness testified with protective measures and mostly in private session. According to the summary read out in court, the witness and another person were arrested by KLA members in July 1998 and subsequently detained and mistreated at two locations.

On Wednesday, a status conference was held to discuss planning and next steps in the proceedings, as the 15 April date for the prosecution to complete the presentation of its case approaches. The Prosecution announced that they plan to call two witnesses in court next week and that they do not expect further witness testimonies after 4 April. The parties also discussed other matters, such as the admission of documentary evidence and potential requests by the Defence for the dismissal of charges under Rule 130.

The next hearing in the trial is scheduled for Monday, 24 February, starting at 09:00 am.

In the same case, on 13 February, the Trial Panel extended the detention of Kadri Veseli and Hashim Thaci in separate decisions. While finding for both accused that there was not a sufficient risk of flight that would justify their detention, the judges decided for both accused that there is a risk that they will obstruct the progress of court proceedings and 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 court. In both decisions, the Trial Panel also found detention to be proportional and reasonable, especially in light of the progress in the trial.

By way of background, the four accused in this case were arrested on the basis of an indictment confirmed by the Pre-trial judge, after a review of supporting evidence, in a reasoned and public decision. They are detained because for each of the accused, judges assessed that there is a risk of obstructing proceedings and committing further crimes against witnesses who have provided or could provide evidence in the case.

In line with the fair trial rights guaranteed under international law and in the Kosovo Constitution, the accused are presumed innocent, unless proven guilty beyond a reasonable doubt. The law requires judges to review every two months for each of the accused, whether their detention is still justified on the basis of the legal standard, whether it is reasonable, and whether any alternative conditions could mitigate the risk to witnesses.

In the same case, on 14 February, the Trial Panel granted in part, a request by the Prosecution to admit the testimony of ten witnesses under Rule 153. This rule allows testimony to be admitted in written form without





the witness having to appear in court, if the testimony does not specifically relate to the alleged criminal acts and conduct of the accused.

The Defence did not object to seven of the written testimonies under certain conditions, which were accepted by the prosecution. For the remaining three written testimonies contained in the request, the judges rejected one testimony, accepted another, and decided to admit the third only under certain conditions.

On 18 February, the Trial Panel rejected a request by the Thaci Defence for the court to compel the Prosecution to call two witnesses whom the Prosecution had filed to drop from its witness list in September of last year. The judges recalled that they had invited the prosecution to streamline its case and noted that the prosecution has already called several witnesses who testified to the same set of facts and circumstances on which the two witnesses were expected to testify.

In the Januzi et al case, on 18 February, the Trial Panel issued a number of orders as part of an effort to review all filings related to the plea agreements to ensure that as much information as possible is made public, while also protecting witnesses and victims. The judges noted that the principle of publicity of proceedings extends beyond hearings in the courtroom to also cover filings and any other submissions in the case file.

In the Salih Mustafa case, also on 18 February, the KSC President assigned Judge Gilbert Bitti as the Single Judge to continue to oversee the implementation of the Salih Mustafa victims' reparation order, noting that Judge Bitti's initial assignment of one year is expiring and that the order is not yet fully implemented.

Among other things, the Single Judge is to receive reports from the Registrar on any action taken before Kosovo's Crime Victim Compensation Program. Mr. Mustafa was convicted of the war crimes of arbitrary detention, torture and murder, and ordered to pay varying levels of compensation to the eight participating victims, totalling EUR 207,000.

Journalists' questions:

In response to a question from a journalist, the spokesperson explained that for privacy reasons, the court cannot provide information about the health condition of individual Detainees and that this is a legal obligation in order to protect the rights of detainees. Under the KSC Detention Rules, disclosing a detainee's health information is only possible with their prior informed consent, in line with EU data protection standards.

The spokesperson elaborated further that it has not been uncommon for the accused in the trial to be absent from individual court sessions if they are feeling unwell or have minor complaints on that day, and that Mr. Thaci is now participating in the regular day-to-day activities in the detention facility.

