



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.

On 19 February, the President of the Specialist Chambers, Judge Ekaterina Trendafilova, decided to modify the sentences for Sabit Januzi and Ismet Bahtijari and provided for their release on 21 February 2025, under the conditions described in the decisions. These conditions will continue to apply for the remainder of the two years sentence imposed on the accused after the Trial Panel had approved their plea agreements with the Specialist Prosecutor on 4 February 2025. Mr Januzi and Mr Bahtijari had admitted guilt to obstructing official persons in performing official duties, and to intimidation in criminal proceedings.

After a convicted person has served two thirds of their sentence, the President of the Specialist Chambers may consider a commutation, modification or alteration of the sentence. Mr. Januzi and Mr. Bahtijari had served two thirds of their sentence on 5 February 2025.

President Trendafilova reminded of the gravity of the offences for which Mr. Januzi and Mr. Bahtijari were convicted given the impact of witness intimidation on the administration of justice.

In the trial of Hashim Thaci, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi on charges of war crimes and crimes against humanity, the Trial Panel on 24 February authorized the Prosecution to continue disclosing evidence requested by one of the defence teams to all defence teams as it was the practice thus far. The Panel was satisfied that the timely disclosure of material the Prosecution intends to use in re-examination ensures that the Defence has adequate notice of such material, no matter on which specific Rule the disclosure was based on.

On 26 February, the Trial Panel granted in part the admission into evidence of certain exhibits concerning the organization of the KLA in Drenica Zone based on their authenticity, relevance and considering the Panel's finding that the admission into evidence of these documents does not cause any prejudice to the Defence. The Panel denied the Prosecution's request concerning exhibits that in the view of the Panel lacked authenticity.

On 21 February, the Trial Panel granted in part a similar motion by the prosecution concerning evidence related to the LLap Zone and ordered the prosecution to amend its exhibits list by no later than Friday, 28 February.

On 26 February, the Panel denied a joint request by the defence to take Measures to Ensure the Appearance of Impartiality of the Proceedings and Avoid Prejudice to the Defence. The Panel reminded that it cannot be expected to entertain abstract allegations that are neither substantiated nor detailed and noted that the Defence did not challenge any decision by the Panel, or raised any concern of impartiality in regards to any question the Panel asked.

1





The Panel further noted that the Rules set no time limit for the Panel to ask questions to a witness and underlined that in many legal systems the bulk of the questions comes from the Court. The Panel noted that the Defence has not identified any one question put by the Panel to any of the witnesses mentioned in the Defence motion that was not relevant or not conducive to the search for the truth.

The Panel highlighted that its questions can lead to either incriminatory or exculpatory evidence or matters of clarification or issues pertaining to the credibility of a witness. Questions are asked to elicit evidence which the Panel considers relevant and necessary to the fulfilment of its truth-seeking duty.

Concerning the allegation of posing leading questions, the Panel pointed out that the only example the Defence gave for this allegation concerned a witness that had to be repeatedly reminded to answer the questions and in this case the Panel used leading questions to keep the witness focused on the question being asked.

The Panel reminded that it is their duty to assess the credibility of a witness and the reliability of a witness's testimony. To pre-emptively limit the Panel's questioning would seriously interfere with the Panel's role as a neutral fact-finder.

The next hearing in the trial is scheduled for Monday, 17 March, starting at 09:00 am.

In the Thaci et al case concerning the alleged influencing of witnesses, the Appeals Panel on 25 February granted Mr. Smakaj's and Mr. Fazliu's request for an extension of time to respond to the "Prosecution appeal against the 'Decision on the Confirmation of the Indictment'" and authorized the Defence of the two accused to file their responses, if any, by Monday, 3 March 2025. The Panel further ordered the reclassification of their request to public.

The Appeals Panel recalled that the issues on appeal would significantly affect the outcome of the proceedings and that it is therefore in the interest of justice to allow the newly assigned Counsel of Mr. Smakaj and Mr. Fazliu the time to familiarize themselves with the case so they can submit meaningful responses to the appeal.

On 21 February, the Pre-Trial Judge in this case granted a joint defence request to further extend the deadline to file preliminary motions. Such motions may for example challenge the jurisdiction of the Specialist Chambers or allege defects in the indictment. Basis for the decision was the fact that the Appeals Panel has not yet ruled on the "Prosecution appeal against the 'Decision on the Confirmation of the Indictment'". The Pre-Trial Judge set the new deadline to 21 days after the Appeals Panel issued its decision if the Appeals Panel upholds the decision on the confirmation of the indictment in its entirety. Should the Appeals Panel rule differently, the Pre-Trial judge will issue a new scheduling order.





On 25 February, the Supreme Court Panel dismissed in its entirety Salih Mustafa's and the Prosecution's requests for protection of legality. While Mr. Mustafa had requested that his overall sentence of 15 years imprisonment be reduced, the Prosecution alleged that by imposing a new sentence of 15 years, the Appeals Panel had substantially violated the procedures as it failed to provide a reasoned opinion.

The Supreme Court observed that the Appeals Panel in its Decision on New Determination of Sentence specifically followed the findings set forth in the previous Supreme Court Decision, the sentencing range identified therein, as well as the relevant international jurisprudence. The Panel further recalled that the circumstances surrounding the crimes for which Mr Mustafa was convicted, including murder, were extensively considered by the Trial Panel and twice by the Appeals Panel.

Therefore, the Panel was of the view that Mr Mustafa failed to demonstrate how the Appeals Panel could have come to a different determination of his sentence, and found that he failed to identify how the 15-year sentence constitutes a violation of the criminal law. The Supreme Court further concluded that the Prosecution did not demonstrate how the Appeals Panel failed to adhere to the Supreme Court Decision and observes that the Appeals Panel extensively reasoned its decision and referred to the guidance given to it in this respect.

On 21 February, the Single Judge overseeing the implementation of the Reparations Order in this case, ordered Victims Counsel and Registrar to provide public redacted versions of several filings related to the reparations order and to submit in writing if they are of the opinion that some of these filings should not become public including indicating whether and when they foresee that public redacted versions of the filings are possible.

Questions asked

In response to a question by a journalist, the spokesperson confirmed that a filing became public rejecting a request by Mr. Thaci for a custodial visit on humanitarian grounds reasoning that Mr. Thaci did not demonstrate the existence of exceptional and compelling humanitarian grounds justifying his temporary release. The spokesperson referred the journalist to the relevant filing for a more detailed reasoning.

