



## Press Update

Welcome to the 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. This is the first press briefing after the court's summer recess and covers the period from 25 July 2025 until today.

In the trial of Hashim Thaci, Kadri Veseli, Jakup Krasniqi and Rexhep Selimi, the Trial Panel on 25 July denied a request by the Defence teams for disclosure of further information on an assistant prosecutor who previously worked in the Detention Facility of the Specialist Chambers. The Defence had raised concerns regarding a potential conflict of interest suspecting that the person in question may have had access to privileged information at the Detention Management Unit. The Panel found that the Registrar as well as the Prosecution had already provided the Defence with detailed information on the prior employment and specific role of the person, as well as on steps taken to prevent a conflict of interest.

On 25 July, a decision issued in May of this year concerning a Prosecution request for admission of evidence was made public. The Panel granted the motion in part, while also denying the admission into evidence of some exhibits because the prosecution could not demonstrate good cause for why the request was not made earlier and because the exhibits lacked authenticity. In its decision, the Panel highlighted that the Defence will be able to make submissions on the admitted exhibits in respect of their weight and probative value, and to challenge their content. Whether or not the Panel will rely on the admitted evidence in the judgment, and how much weight it may attach to it, is a matter to be decided by the Judges when they assess all the admitted evidence at the end of the case.

On 11 August, the Trial Panel granted in part a request by the Thaci defence to appeal a decision by the Trial Panel. After the testimony of a Prosecution witness, the Defence had asked to tender into evidence prior statements of the same witness. The Panel at that time rejected the request and instructed the Thaci defence to tender the statements at a later stage. However, when they then made the request as suggested, the Panel rejected their request finding that the statements should be tendered under the specific Rules for written witness statements. In this context, the Thaci Defence asked for permission to appeal the decision based on the question of whether statements tendered during cross examination really have to be tendered under the specific Rules on written witness statements; whether the Trial Panel erred in finding that the request was made too late; and whether the Defence can, as advised by the Panel, tender the statements as their own evidence considering that they cannot call a witness that has already testified in the prosecution case.

The Panel granted the Thaci defence permission to appeal the first issue, namely the question if statements tendered during cross-examination need to fulfil the requirements for written witness statements. The Panel found that it would significantly affect the fair and expeditious conduct of the proceedings, and a resolution of the issue would materially advance the proceedings. Specialist Chambers President Ekaterina Trendafilova on 14 August assigned a Court of Appeals Panel consisting of Judges Michele Picard, Kai Ambos and Nina Jorgensen.





On 11 August, the Trial Panel ordered the continued detention of Mr. Thaci finding that the risks that he may obstruct the progress of proceedings and/ or commit further crimes continue to exist. The Panel highlighted that these risks exist even after the prosecution has closed its case as many of the witnesses are under protective measures and their identities could not become known to the public at any time. In addition, the risk of interference also includes any attempt to retaliate against witnesses who have testified as well as attempts to interfere with witnesses in parallel proceedings. The Panel also recalled that it appears that Mr. Thaci provided non-privileged visitors with information elicited during the testimony of protected witnesses and that the record suggests that he passed on instructions pertaining to the form and content of the testimony of a witness called by the prosecution. As such, the Panel considered that the release of Mr. Thaci with sensitive information in his possession would not be conducive to the effective protection of witnesses.

On 13 August the Appeals Panel denied the appeals by Rexhep Selimi, Kadri Veseli and Jakup Krasniqi challenging the Trial Panel's decisions on their requests for conditional release. For all three defendants, the Appeals Panel confirmed the Trial Panel's findings that there continues to be a risk that the accused may obstruct the progress of proceedings and commit further crimes even after the Prosecution has closed its case, considering that they may retaliate against witnesses who have testified, attempt to incentivise witnesses to recant their testimony, or attempt to interfere with witnesses in parallel proceedings. The Appeals Panel considered that it was reasonable for the Trial Panel to be mindful of the climate of witness interference prevailing in Kosovo. Regarding Rexhep Selimi and Kadri Veseli, the Appeals Panel further considered the allegation that the accused disclosed confidential information to unauthorised third parties in the Detention Facilities.

On 19 August the Trial Panel during a Defence Preparation Conference set the date for the start of the presentation of the defence case for 15 September 2025. During the hearing, the parties discussed pending matters such as time estimates for witness testimonies, the order in which witnesses are to be called, the disclosure of witness statements, and the number of exhibits and evidentiary documents the Defence intends to present.

The schedule of hearings until December has been published on the KSC website. The next hearing in this case is scheduled on 15 September starting at 9 in the morning.

In the case of Hashim Thaci, Bashkim Smakaj, Fadil Fazliu, Isni Kilaj and Hajredin Kuci, the Pre-Trial Judge on 24 July rejected requests by Mr. Thaci and Mr. Fazliu to appeal the Pre-Trial Judge's Decision on Preliminary Motions Alleging Defects in the Indictment. The two Defence teams had argued that the Prosecution had not provided sufficient details in support of the charge of attempted obstruction. The Pre-Trial Judge found that the arguments of the Defence were not appealable issues as they misrepresented the Pre-Trial judge's decision and simply disagreed with it.

In another decision from 25 July on the next steps in this case, the Pre-Trial Judge took note of the advanced stage of the disclosure process and ordered the Prosecution to provide her with information regarding





remaining disclosure obligations and when the Prosecution intends to be ready for trial by 25 August. The Pre-Trial Judge ordered the Defence teams to provide her with information on whether they intend to conduct investigations or seek further forensic analysis, whether they object to any of the evidence disclosed by the Prosecution and when they foresee being ready for trial. The Pre-Trial Judge set 19 September as the deadline for the Prosecution to file its Pre-trial brief and 20 October as deadline for the Defence to file its brief.

On 25 July, Specialist Chambers President Ekaterina Trendafilova assigned Court of Appeals Panels to review decisions challenged by the Thaci Defence on how adjudicated facts in the war crimes case will apply to the current case; if the Pre-Trial Judge should have reviewed the legality of her own assignments as Pre-Trial and Single Judge; and whether the Defence should be allowed to challenge through a preliminary motion the practice of appointing the same Judge as Single Judge and Pre-Trial Judge. The Appeals Panels both consist of Judges Michele Picard, Emilio Gatti and Nina Jorgensen.

When asking permission to appeal the two decisions, the Thaci defence had also asked for an extension of time to file the appeals arguing that these raise significant issues which implicate the fundamental rights of the accused. In addition, the Defence claimed that the deadline falls within the judicial recess, a time during which they are short staffed and have to deal with the competing priority to prepare for the defence case in the Thaci et al war crimes trial. The Appeals Panel on 28 July granted this request in part and extended the deadline for handing in the appeals from 4 to 18 August 2025.

On 5 August, the Pre-Trial Judge ordered the continued detention of Hashim Thaci, Isni Kilaj, Bashkim Smakaj and Fadil Fazliu, assessing that there are continued risks that the accused may flee, obstruct the progress of proceedings and/or commit further crimes. She was persuaded that no condition outside of the Specialist Chambers detention facility would sufficiently mitigate these risks. In her decisions, the Pre-Trial Judge considered the pervasive climate of fear and intimidation in Kosovo against witnesses and potential witnesses of the Specialist Chambers as well as the specific charges the accused are facing.

The Appeals Panel on 7 August rejected an appeal by the Thaci defence concerning a preliminary motion the Pre-Trial Judge had rejected. The Thaci defence claimed that it was for the Trial Panel in the Thaci et al war crimes case to deal with the indictment on contempt of court charges and not for the Pre-Trial Judge. The Appeals Panel found the motion inadmissible arguing that preliminary motions that are appealable only concern challenges to the jurisdiction of the Specialist Chambers, or decisions on detention on remand.

On 18 August, the Pre-Trial Judge granted and rejected in part a request by the prosecution to prohibit certain people from visiting Mr. Thaci in the detention facility. The Pre-Trial Judge granted the request concerning specific individuals, finding that the measure is necessary given that the persons in question appear on the audio recordings made by the Prosecution in 2023 showing that Mr. Thaci repeatedly revealed confidential information to his visitors.





However, the Pre-Trial Judge rejected the request where it concerned three of Mr. Thaci's brothers. While the Pre-Trial Judge noted that the brothers discussed protected witnesses, including how one witness should testify and as such are likely to have participated in the disclosure of confidential information to third parties, she also recalled the importance of maintaining close relationships with family and accepted the defence submission that these three brothers provide Mr. Thaci with invaluable moral support. The Pre-Trial Judge was mindful that contact with family is even more important considering that Mr. Thaci's father passed away recently.

The Pre-Trial Judge highlighted that the restrictions ordered through her decision, should only be maintained for as long as they serve a legitimate aim and continue to be necessary and proportionate, and she announced that she will review the necessity of these measures every three months.

On 18 August, the Pre-Trial Judge rejected Mr. Thaci's request to appeal her decision. Addressing the issues raised in the Defence request, the judge made clear that she had assessed both the level of risk posed by each concerned visitor, and whether the prohibition of visits by these individuals was necessary and proportionate in order to mitigate the risks of confidential information being unlawfully disclosed. She concluded that the issues Mr. Thaci raised were not appealable, and that the defence merely disagreed with her decision.

In the case of Pjetër Shala, the President of the Specialist Chambers, Judge Ekaterina Trendafilova, on 25 July assigned a Supreme Court Panel to decide on the Defence Request for an Extension of Time and Word Limit for its Request for Protection of Legality. Mr. Shala had argued that due to the court recess causing staffing issues and because the Appeals Judgment will only be available in Albanian language on 12 September, the additional time is needed to prepare for their request. The Supreme Court Panel consists of Judges Ekaterina Trendafilova, Christine van den Wyngaert and Daniel Fransen.

On 8 August the Supreme Court Panel dismissed Mr. Shala's request finding there was no legal basis to vary the time limit and that the Defence did not show how the factors they referred to in their request would justify a large extension of the word limit. The Panel noted that the Appeal Judgment was issued in English as the agreed working language of the proceedings and that a request for protection of legality is entirely of a legal nature. As such it falls within the responsibility of the Defence Counsel to advise their client concerning the request.

On 25 July a decision by the Single Judge from 8 May became public, which deals with the payment of reparations in the Salih Mustafa case. In the decision, the Single Judge ordered persons or institutions involved in the indigence assessment of Mr. Mustafa to comply with his previous orders and provide the necessary information to the Registrar of the Specialist Chambers. The Single Judge further ordered the Registrar to provide a comprehensive report on Mr. Mustafa's indigence by no later than 25 June 2025. The Single Judge underlined that a conclusion must be reached on this issue as soon as practicable, for the Registrar and Victims' Counsel to be in a position to seek compensation from the Kosovo Crime Victim





Compensation Program should it become apparent, that Mr. Mustafa's current assets would not allow a full enforcement of the reparations order within a reasonable time.

On 11 August, the Single Judge granted Mr. Mustafa permission to appeal a decision from 16 July in which the Judge had ordered Mr. Mustafa to pay 8% interest per year on the amount of the reparations that had not been paid yet. The Single Judge found that the issue affects the fair and expeditious conduct of the reparation proceedings and that a decision on this issue would materially advance reparation proceedings. On 14 August, Specialist Chambers President, Judge Ekaterina Trendafilova assigned a Court of Appeals Panel to decide on this issue. The Appeals Panel consist of Judges Michele Picard, Kai Ambos and Nina Jorgensen.

