



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, Isni Kilaj, Bashkim Smakaj Fadil Fazliu, and Hajredin Kuçi, related to allegations of the illegal influencing of witnesses, Isni Kilaj was on 10 December provisionally released with strict conditions. In his most recent detention review from 3 December, The Single Trial Judge found that circumstances had changed since Mr. Kilaj's detention was last reviewed in October 2025 and that his detention was no longer reasonable or proportionate.

While the Judge found that there remained a moderate risk that Mr. Kilaj would, if released, obstruct the progress of proceedings or commit further crimes, he concluded that these risks are outweighed, in the specific circumstances of Mr. Kilaj, by the fundamental right to liberty.

The Judge considered, among other factors, that the time Mr. Kilaj has already spent in detention now exceeds the statutory minimum sentence he would face if convicted of the offences with which he is charged. The Judge also took into consideration that no evidence had been presented indicating that Mr Kilaj had attempted to obstruct the proceedings during his previous period of provisional release in 2024; that the presentation of evidence in the Thaci et al war crimes case is now largely closed; and that the danger that Mr. Kilaj could influence prosecution witnesses in his own case, given their particular circumstances, is very low.

Mr. Kilaj remains an accused in his ongoing trial and his release is subject to various conditions designed to minimize the risk that he would influence witnesses in his own, or any other case, before the Specialist Chambers.

On 4 December, the Single Trial Judge issued a scheduling order for the commencement of the trial on 24 February 2026 starting at 9:30 in the morning. The opening of the trial will be followed by a single block during which the Prosecution will present their evidence, ending no later than Friday, 6 March 2026. The Judge took into consideration the submissions by the parties and chose a date that is within or close to the timeframes during which all parties said they would be available and ready for the start of trial.

On Friday, 5 December, the Appeals Chamber denied in its entirety the appeal of Fadil Fazliu against the Pre-Trial Judge's decision on his continued detention. The Appeals Panel found that Mr Fazliu failed to demonstrate any error in the Pre-Trial Judge's reasoning for his continued detention.

In the trial of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, the Trial Panel on 10 December ordered the continued detention of Hashim Thaci due to a continued risk that the accused may obstruct the progress of proceedings or commit further crimes. The Trial Panel noted that the accused has the ability to interfere with the proceedings; attempted to undermine the Specialist Chambers and offered benefits to

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persons summoned by the Prosecution. The Trial Panel reminded that the risk that sensitive information pertaining to witnesses becomes known to the public exists even after the witnesses have testified as many witnesses have protective measures and their identities should not become known to the public at any time.

In view of the Panel, it is only through the communication monitoring framework at the Specialist Chambers detention facilities that these risks can be sufficiently mitigated. Under the given circumstances, the Trial Panel found the continued detention necessary and reasonable. The Panel reminded however that the accused has been in detention for a significant amount of time and that this will require the Panel and the parties to be particularly mindful of the need to ensure that the trial proceeds as expeditiously as possible.

In the case of Salih Mustafa, The Court of Appeals Chamber on 5 December granted in part Mr. Mustafa's appeal against the decision by the Single Judge to impose a yearly interest rate of 8% on the amount of his reparations order that has not been paid yet. While the Panel noted that in customary international law it is generally possible to impose an interest rate on a reparations order to ensure timely payment to the victims and avoid the loss of value, the Panel found that the possibility of imposing an interest rate should have been decided on by the Trial Panel. As such, the Appeals Panel found that the Single Judge acted outside the scope of his competence when he imposed an interest rate and decided that his decision must be reversed.

