



## 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.

Witnesses continued to be heard this week in the trial of Hashim Thaçi and co-accused.

On Monday, the 70<sup>th</sup> witness called by the Prosecution gave their testimony. According to the summary read out by the Prosecution, the protected witness was an LDK member who was arrested together with another person, and was threatened and beaten.

Following the completion of this testimony on Tuesday, Nuhi Bytyçi, a journalist who covered the Kosovo War, began his testimony, which continued yesterday and today.

In the same case, on 31 May, the Appeals Panel dismissed an appeal by Mr. Krasniqi and Mr. Selimi challenging the admissibility of statements they made as witnesses before the ICTY and the Special Prosecution of Kosovo. The Appeals Panel observed that the jurisprudence of international courts and tribunals is consistent with the Trial Panel's finding that the admission of a co-accused's statement does not infringe upon an accused's fair trial rights as long as the probative value of the statement is not outweighed by any potential prejudicial effect of its admission. The Appeals Panel found that the main issue is how much weight, if any, should be given to such statements and that this determination can only be made by the Trial Panel at the end of the proceedings, in light of all of the relevant evidence before it.

Also on 31 May, the Trial Panel denied a request by the Thaçi Defence to prevent a witness from testifying about Mr. Thaçi's alleged personal participation in the arrest and/or mistreatment of certain identifiable individuals, as this allegation is not part of the Prosecution's case. The Trial Panel recalled its previous finding that it would





disregard this allegation insofar as it pertains to Mr. Taçi's alleged personal participation and stressed that evidence which may relate to an allegation not charged in the indictment is admissible if it is also relevant to other allegations which are in the indictment, or to facts at issue in the proceedings.

In the same case, on 3 June, the Trial Panel rejected a request by Mr. Krasniqi to appeal a decision admitting into evidence the statement of a witness who cannot appear in court. The witness in their statement identified Mr. Krasniqi at a crime site relevant to the case of the Prosecution. The Panel found that the Accused were and will be able to cross examine at least six other witnesses that give evidence about the same circumstances and decided that the Defence failed to establish that this issue would significantly affect the fair and expeditious conduct of proceedings or the outcome of the trial.

In the Januzi et al. case, on 5 June, the Pre-Trial Judge granted the request by the Bahtijari Defence for an extension of the deadline by which the Defence teams should file their pre-trial briefs, extending the time until 20 June 2024. The Pre-Trial Judge also set a new tentative date of 5 July 2024 for transmitting the case to the Trial Panel.

On 5 June, the Pre-Trial Judge ordered in separate decisions the continued detention of Sabit Januzi and Haxhi Shala. He found that for both accused, the risk of flight, the risk of obstructing the progress of proceedings as well as the risk of committing further crimes continue to exist and that no additional reasonable conditions imposed by the Pre-Trial Judge are available to adequately mitigate the existing risks.

In the same case, on 4 June, the Registrar notified the Pre-Trial Judge of the conditional approval of Mr. John Cubbon as Co-Counsel to Haxhi Shala.

Also on 4 June, the Registrar informed the Pre-Trial Judge of the conditional assignment of Mr. Iain Edwards as Counsel to Mr. Isni Kilaj, following a request for legal aid under the Specialist Chambers Legal Aid Regulations.





On 31 May, the Specialist Chamber of the Constitutional Court delivered its judgment on a referral made by Nasim Haradinaj, who had alleged violations of his individual rights and freedoms in relation to the criminal proceedings against him before the Kosovo Specialist Chambers. In its judgment, the Constitutional Chamber declared part of his complaints inadmissible, and rejected the remainder, finding that there had been no violation of the Constitution of the Republic of Kosovo or the European Convention for the Protection of Human Rights and Fundamental Freedoms. The judgment can be found on the KSC website.

On 6 June, Judge Nicolas Guillou informed President Trendafilova of his resignation from the Roster of International Judges. Judge Guillou resigned from the Roster to take up his duties as a Judge of the International Criminal Court.

On the same day, Judge Marjorie Masselot was appointed to the Roster of judges and took her solemn oath. The President issued decisions replacing Judge Guillou with Judge Marjorie Masselot as Pre-Trial Judge in the cases of Januzi et al. case and as Single Judge in relation to ongoing investigations.

### **Journalist Questions**

There were no questions asked.

