

Weekly Press Briefing
(23 September 2021; 14:30)
Chambers and Registry

Welcome to the second weekly press briefing of the Kosovo Specialist Chambers, where we aim to provide you with a short update on proceedings and a chance to ask questions.

On Monday, the first prosecution witness began his testimony in the trial of Salih Mustafa.

The witness has been granted in-court protective measures, including face and voice distortion, and the use of a pseudonym.

His testimony continued during the week with questioning of the witness by the prosecutor, by the lawyer representing the nine participating victims, and by the Defence Counsel of the accused. The judges also asked questions of the witness.

The second witness of the prosecution is expected to begin testimony this afternoon.

On Tuesday, the Trial Panel gave an order authorising Mr Mustafa to follow the trial proceedings remotely, through video link from the Detention Facilities.

The order makes clear that Mr Mustafa will always be represented by his lawyer in the courtroom, and will have the possibility to instruct his lawyer with a dedicated line of communication. Mr Mustafa confirmed yesterday to the judges that he could follow the proceedings and could consult with his lawyer.

The order does not change the right of Mr Mustafa to attend in person any hearing where he wishes.

And it does not change the power of the judges to order Mr Mustafa to attend, in person, any hearing where they consider his physical presence necessary or where the Rules require it.

Hearings in the Mustafa case will continue tomorrow, Friday, as well as Monday and Tuesday next week.

Mr Mustafa's Counsel said last week that he plans to give his opening statement after the closing of the Specialist Prosecutor's case.

In the separate case of Pjeter Shala, the Pre-trial Judge held this morning what is known as a status conference.

Such hearings are held regularly to give the Specialist Prosecutor and the Defence the opportunity to raise with the Pre-Trial Judge any issues they may have and to update the Judge on where they stand as they prepare for the actual trial.

During the status conference in the *Shala* case this morning, a variety of topics were discussed, including the status of investigations being conducted by the prosecution and the defence, as well as a process known as “disclosure”.

Disclosure is the obligation on the Specialist Prosecutor to provide the Defence with the evidence upon which he intends to rely to prove his case.

During the status conference, the Pre-Trial Judge issued an oral order directing the SPO to submit its pre-trial brief by no later than 28 January 2022. The Pre-Trial Brief summarizes the arguments and evidence the Specialist Prosecutor intends to use to prove his case.

In the case of Hysni Gucati and Nasim Haradinaj, I would like to inform you that the Trial Panel issued a decision last Friday on the conduct of proceedings in the trial, which is scheduled to commence on 7 October.

And finally, in the case against Mr Thaci and co-accused, as you may know a status conference was held last week, where the parties also indicated their availability for the following status conference, currently envisaged for end of October.

A journalist asked why the Specialist Prosecutor’s Office does not seem to prosecute alleged war crimes committed by the Serbian side. The Spokesperson responded that the Kosovo Specialist Chambers (KSC) and the Specialist Prosecutors’ Office (SPO) are two separate independent institutions, and that anything related to investigations falls within the responsibility of the SPO.