



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 Sunday, 3 July, pursuant to an order issued by the Court of Appeals Panel, the KSC Registry managed a custodial visit of Hysni Gucati to Kosovo to meet immediate family, due to compelling humanitarian grounds. Mr Gucati remained in detention and in the custody of the court during the visit. EULEX and the Kosovo Police supported the KSC during the custodial visit. Mr Gucati was transferred back to the KSC Detention Facilities in the evening of 3 July. The decision of the Court of Appeals Panel can be found on the KSC website.

This week also saw a number of developments in the Gucati and Haradinaj appeal proceedings.

On 1 July, the Court of Appeals Panel ordered Nasim Haradinaj to re-file within one week from the notification of its decision his notice of appeal in its entirety, for reasons that included non-compliance with the requirements for such filings. The rules provide that a notice of appeal, among other things, must clearly specify which errors of fact, law or sentencing are being alleged in which parts of the trial judgment.

The Appeals Panel also considered that both Mr Gucati and Mr Haradinaj could not incorporate, in a blanket manner, each other's submissions.

The Panel also struck one ground from Mr Gucati's notice of appeal and ordered him to re-file it within the same deadline, should he wish to maintain the content of that ground.

On Tuesday, 5 July, the pre-appeal conference took place, Presided by Judge Michèle Picard, during which Mr Gucati and Mr Haradinaj were given the opportunity to raise





any issues related to their detention, including health-related issues. Parts of the hearing were held in private session.

In terms of next steps in the Gucati and Haradinaj case, their appeal briefs setting out the arguments for each ground of appeal are to be filed by 19 August 2022.

In the case of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, the next status conference has been scheduled for 13 July 2022 at 13:30.

On 30 June 2022, the President of the KSC assigned a Supreme Court Panel to decide on a request from the Veseli Defence for protection of legality against an Appeals Panel decision related to Mr. Veseli's detention.

“Protection of legality” is an extraordinary legal remedy that the Defence may request under the KSC Rules of Procedure and Evidence against decisions ordering or extending detention on remand. Such a request must allege a violation of criminal law or a substantial violation of the procedures.

The members of the Supreme Court Panel are the Judges Ekaterina Trendafilova, Christine van den Wyngaert and Michael Bohlander. According to the Rules of Procedure and Evidence, President Trendafilova shall preside over any Supreme Court Panel.

On 6 July 2022, the Specialist Chamber of the Constitutional Court, composed of the Judges Vidar Stensland, Roumen Nenkov and Romina Incutti, issued its decision on the referral by Pjetër Shala alleging violations of his fundamental rights and challenging the KSC jurisdiction. The Panel found the referral premature and therefore declared it inadmissible pursuant to Article 113(7) of the Constitution, Article 49(3) of the Law and Rule 14(f) of the Rules of Procedure for the Specialist Chamber of the Constitutional Court.





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In other news, on Monday of this week, KSC President Ekaterina Trendafilova hosted an outreach event online with civil society and journalists from Kosovo. In the course of the two-hour event, the President informed the participants about the status of proceedings and answered questions.

Journalist Questions

No questions asked.

