



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 Pjetër Shala, the Pre-Trial Judge transferred the case file to the Trial Panel on 21 September. Following his notification on 15 September, KSC President Trendafilova assigned the case to Trial Panel I, consisting of Judges Roland Dekkers, Mappie Veldt-Foglia, Gilbert Bitti and Vladimir Mikula, as reserve judge.

Also on 21 September, the Pre-Trial Judge ordered the continued detention of Mr Shala, having found that a moderate risk of flight continues to exist, as well as a risk that the Accused may obstruct the proceedings or commit further crimes.

In the same case, on 19 September, the Pre-Trial Judge issued a third decision on victims' participation and admitted six new applicants to the proceedings as participating victims. They will be included in the existing group of two participating victims and be represented by the same Victims' Counsel.

On 20 September, Trial Panel I ordered the continued detention of Mr Salih Mustafa. The Panel found that the risk that the Accused will obstruct the progress of proceedings by interfering with victims and witnesses, and/or their families continues to exist. The Panel further found that there are no more lenient measures than the KSC detention facility that could sufficiently mitigate the risks.

On 16 September, due to compelling humanitarian grounds, the Appeals Panel instructed the Registry to manage a custodial visit of Hysni Gucati to Kosovo to meet





with immediate family. Mr Gucati remained in detention and in the custody of the Specialist Chambers throughout his visit. EULEX and the Kosovo Police supported the Kosovo Specialist Chambers.

In the *Thaçi et al* case, on 26 August, the Pre-Trial Judge rejected the requests by the *Thaçi* and *Krasniqi* Defence in relation to an alleged non-compliance with disclosure obligations under Rule 103 of the Rules on the part of the Specialist Prosecutor's Office. Judge Guillou nevertheless strongly urged the SPO to abide by its obligations regarding the disclosure of exculpatory materials and to prioritize disclosure of such material over other competing deadlines and materials. Furthermore, the SPO is ordered to provide a disclosure report, by 7 October, with explanations about any difficulties faced in fulfilling its Rule 103 disclosure obligations.

The public redacted version of this decision was issued on 13 September and can be found on the KSC website.

On 15 September, the Court of Appeals Panel dismissed the appeal of the *Veseli* Defence challenging the Pre-Trial Judge's decision from 25 May when he admitted 12 victims as participants in the proceedings and granted the request for non-disclosure of their identity.

In their decision, the Appeals Panel found that anonymity of victims at this stage of the proceedings does not violate the basic constitutional and international human right of the accused, and agreed with the Pre-Trial Judge's finding that protective measures at this stage have a minimal effect on the Defence's ability to prepare in relation to future witness testimonies.





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The Panel further recalled that anonymity for participating victims is expressly foreseen by the legal framework of the Specialist Chambers and that they may be justified in exceptional circumstances.

In other news, the President of the Kosovo Specialist Chambers, Judge Ekaterina Trendafilova, has been in Kosovo this week. During her visit, she held an online outreach event with civil society and media as well as a lecture with Kosovo law students in Pristina. President Trendafilova reiterated her commitment to continue to engage with civil society and media in Kosovo to provide information on the work of the Court and give them the opportunity to ask questions.

Journalist Questions

