



## 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 14 March, Salih Mustafa filed a request for protection of legality, following the issuance of the judgment by the Court of Appeals Panel on 14 December 2023. In its judgment, the Appeals Panel upheld Mr Mustafa's conviction for the war crimes of arbitrary detention, torture and murder, but reduced his sentence from 26 to 22 years of imprisonment.

Protection of legality is an extraordinary legal remedy, which must relate to an alleged violation of the law or the rules. In its request, the Mustafa Defence alleges violations of the Law on Specialist Chambers and Specialist Prosecutor's Office, the Rules of Procedure and Evidence, the Constitution of Kosovo and the European Convention on Human Rights. The Defence is seeking the reversal of counts 1, 3 and 4, for which Mr Mustafa was convicted, or, alternatively, the annulment of the judgments and a retrial, or a reduction of sentence.

On 15 March, the Supreme Court Panel assigned by the President to deal with the request ordered the Prosecution and Victims' Counsel to file any responses they may have to the Defence's request for protection of legality by 15 April 2024. Following this, the Defence will have the opportunity to reply to these responses within 21 days.

The Supreme Court Panel assigned to decide on the request is composed of Judges Ekaterina Trendafilova, Christine van den Wyngaert, and Daniel Fransen.

Hearings in the trial of Hashim Thaçi and his co-accused resumed on Monday, 18 March with the testimony of the 49<sup>th</sup> witness called by the Prosecution. This was a protected witness whose testimony, according to the summary read out in court, was related to a victim who was killed after being taken and detained by KLA members in the Llap/Lab zone.

The 50<sup>th</sup> witness, Mr Claude Cahn, also testified on Monday. His testimony related to documented human rights abuses of Roma in Kosovo during his employment with the European Roma Rights Centre in July 1999. The witness was examined by the Prosecution and cross-examined by all four Defence teams.

On Tuesday, the 51<sup>st</sup> witness called by the Prosecution testified. This was a protected witness whose brother, according to the Prosecution, was arrested by KLA members during the relevant period, and whose remains were never found.

The 52<sup>nd</sup> witness then commenced their testimony via video-link on Tuesday, continuing on Wednesday, when Defence teams cross-examined the witness. According to the Prosecution, this protected witness is a Kosovo Albanian who was arrested and detained by KLA members in or around August 1998.

1





On 14 March, the Registrar notified the Trial Panel of the approval of Ms Nina Tavakoli as new Co-counsel for Hashim Thaçi, and she informed the Judges of the termination of one previous Co-Counsel, at the request of Counsel for Mr Thaçi.

Based on the information provided by the Defence that the previous and new Co-Counsel would be exchanging roles, the Registrar concluded that the Defence had demonstrated that the change would not have an adverse effect on the interests of Mr. Thaçi or on the duration of proceedings.

On 15 March, the Trial Panel ordered the continued detention of Jakup Krasniqi and Rexhep Selimi in separate decisions. For both accused, the Judges found that there continues to be a risk that they will obstruct the progress of proceedings and commit further crimes against those perceived as being opposed to the KLA, including witnesses who have provided or could provide evidence in the case. The Trial Panel maintained the view that these risks can only be mitigated through the communication monitoring framework applicable at the Specialist Chambers detention facilities.

Hearings in the Thaçi et al. trial resume next Monday, 25 March at 09:00am.

On 19 March, the Trial Panel in the Pjetër Shala case rejected the Defence request to reopen the case and suspend the deadline for the submission of final trial briefs and victims' impact statement. The Defence had claimed that the Prosecution breached its disclosure obligations by making available too late certain exculpatory material pertaining to a witness.

In its Decision, the Trial Panel found that even though the Prosecution had not complied with its disclosure obligations, the evidence in question was not necessary for the determination of the truth and no prejudice was caused to the Defence. Judging that the inconsistencies raised by the Defence were minor, the Trial Panel found that reopening the evidentiary proceedings in order to call the witness to testify or to admit their evidence in writing, at this final stage of the trial, would unnecessarily prolong the proceedings.

On 18 March, the Trial Panel ordered Mr Shala's continued detention, finding that there are articulable grounds to believe that the risk of Mr Shala obstructing the progress of the KSC's proceedings and committing further crimes continues to exist.

Closing statements in the Pjetër Shala trial are scheduled to take place between 15-19 April 2024.

In the case of Sabit Januzi, Ismet Bajtijari and Haxhi Shala, the next status conference is scheduled to take place tomorrow, 22 March, at 14:30. According to the scheduling order, matters to be discussed include disclosure and the status of investigations by the parties.

On 19 March, in the same case, the Pre-Trial Judge issued his decision on Haxhi Shala's motion challenging the form of the confirmed indictment. The Pre-Trial Judge concluded that the confirmed indictment





identifies with sufficient precision the relevant issue raised by the Defence and that it sets out with sufficient clarity and specificity the facts underpinning the charge of intimidation during criminal proceedings. Therefore, the Judge rejected the motion.

### **Journalist Questions**

There were no questions asked.

