



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.

Hearings in the trial of Hashim Thaçi and his co-accused resumed on Monday, 22 April. On the same day, the 54th witness called by the Prosecution resumed their testimony. The witness testified in closed session and under protective measures.

The 55th witness, Ramiz Qeriqi, commenced his testimony on Monday. He testified mainly in open session and concluded his testimony on Tuesday. As per the summary presented by the Prosecution, the witness served as a battalion Commander in the KLA's 121st Brigade in the Pashtrik zone during the time relevant to the indictment. The witness was questioned by the Prosecution and cross-examined by the Defence teams.

After this, the 56th witness called by the Prosecution testified. This was a protected witness who, according to the summary presented in court, testified about an individual who was arrested by the KLA in 1999 and has been missing since then. This morning, the 57th witness called by the Prosecution began their testimony.

On 23 April, the Trial Panel rejected a request by the Selimi Defence to extend the client-counsel privilege to Dr. Jasini who is currently Co-Counsel, but should soon be legal consultant to the Selimi Defence. Client-counsel privilege would allow Dr. Jasini continued privileged communication and visits with Mr. Selimi.

The Panel reiterated that Mr Selimi appeared to have engaged in disclosure of confidential information to unauthorised third parties and found that this, and the environment of witness interference in which this trial is being conducted, calls for a particularly careful approach to legal privileges.

The Panel recalled that Counsel and Co-Counsel are bound by the Code of Conduct including the obligation to respect confidentiality, and that this ensures accountability for misconduct. Other Defence team members, including legal consultants are not directly liable under the Code of Conduct.

The Panel noted that Mr Selimi continues to be able to have privileged visits with Counsel and Co-Counsel, and that other Defence team members may accompany such visits. Mr Selimi may also have unprivileged visits and telephone calls with Defence team members, with the only difference that prior approval by the Registrar is required. As such, the Panel found that the current regime is fully compatible with the rights of the Accused.

The Panel further found that the Selimi Defence has failed to establish that the tasks and responsibilities assigned to Dr. Jasini cannot be effectively performed within the existing framework, and that the Defence's intention to change roles among team members does not constitute valid grounds to expand legal privileges.





Also on 23 April, the Trial Panel rejected a request from the Veseli Defence to be allowed to appeal an oral order issued on 25 March to admit into evidence certain documents. The Panel concluded that Mr. Veseli has failed to explain how the decision to admit these documents could significantly affect the fairness or the outcome of the proceedings.

The next hearing in this case is scheduled on Monday, 29 April starting at 9:00 in the morning.

On 24 April, the Specialist Chamber of the Constitutional Court dismissed the referral of Sabit Januzi, Ismet Bahtijari and Haxhi Shala, finding it inadmissible. The applicants had complained against amendments to the KSC Legal Aid Regulations adopted by the Registrar in February 2024.

In its decision, the Chamber found that the Constitution and the Law do not allow individuals to challenge laws in the abstract. Article 49 of the Law only allows the Ombudsperson or a panel to convey questions of constitutional compatibility of laws to the Chamber. Persons can only make claims in accordance with Article 113 and only where their individual rights have been impacted.

Moreover, the Chamber noted the KSC legal aid regulations provide for a complaint mechanism, which the applicants can follow if and when they decide to apply for legal aid.

The Chamber concluded that nothing in the referral currently suggests a violation of the Applicants' constitutional rights, and that so far the Applicants do not appear to have requested legal aid, nor has there been a determination on their indigency.

On 19 April, the Pre-Trial Judge, upon request by the Defence, extended the time limit within which Mr. Bahtijari has to submit the forms and supporting documents to request legal aid before the KSC. The new deadline is 29 April. The Judge found that good cause has been shown because the Defence has made progress with the preparation of the application since its last submissions.

Journalist Questions

There were no questions asked.

