



## 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 *Thaçi et al.* case, the Trial Panel on 22 and 24 May respectively issued decisions on requests by the Prosecution to admit into evidence witness statements and associated exhibits in written form. While the witnesses would still appear in court to be available for cross-examination if needed, this would substantially shorten the duration of questioning.

The decision from 22 May concerned the statements and associated exhibits of seven witnesses. The Panel granted this request in regards to five witness statements in full, and in regards to the remaining two statements in part finding that certain exhibits were not appropriate to be admitted into evidence.

Concerning the decision from 24 May, the Panel granted the Prosecution's request in regards to all three witnesses and found that the associated exhibits were appropriate for admission into evidence once the witnesses had confirmed their authenticity in court.

4 witnesses testified since last week's press briefing in this case. One witness testified with protective measures and mostly in private session, and another one via video link. As per the summary presented by the SPO in court, this second witness is a Kosovo Albanian who was detained and mistreated by KLA members during spring and summer 1998.

On Tuesday morning, Jan Kickert started his testimony. Mr. Kickert is an Austrian diplomat who according to the SPO's summary was based in Belgrade during the relevant period and had contacts with the KLA leadership to involve them in the political process. In 1999, he served as a political advisor to UNMIK. The fourth witness, who was granted protective measures, completed testimony today. The testimony was held mostly in private session. According to the summary provided by the Prosecution, the witness was detained and mistreated by the KLA and escaped KLA detention.

On Monday afternoon, a status conference took place in which the parties discussed how to move forward with the trial as expeditiously as possible and how to best streamline future witness testimonies.

Following up on the status conference, the Trial Panel on Wednesday, 29 May, ordered the Prosecution to provide a notice on how it intends to further streamline its case by latest 16<sup>th</sup> September 2024. The Panel will thereafter schedule a status conference to hear the parties submissions thereon. The Panel also ordered the Prosecution to submit a road map by 21 June on how it intends to complete the presentation of its case by 1 April 2025. The road map will only be presented to the Panel and should include information such as the list of witnesses, the order in which they will be called, and the time estimated for the examination for each witness. The Panel ordered the Defence to provide realistic estimates of the time needed to cross examine





the witnesses within three working days of receiving indications of the next group of witnesses. The Panel will review such estimates and, where necessary, impose time limits to cross examination.

Hearings in this case are adjourned for this week and will continue on Monday, 3 June at 9 in the morning.

On 23 May, a decision in the case of Pjetër Shala, dated 7 May, became public. This decision concerns the Defence Request for Judicial Review of the Registrar's Decision on Family Visits and Video Communications. The Panel rejected the request.

The Defence's request was based on a notification issued by the Chief Detention Officer on 26 January announcing that as of February 2024 each accused will be allocated a fixed ten-day period each month for the scheduling of their in-person and video visits. This new regime was adopted to ensure the good order and security at the Detention Facility as well as the management of resources.

Mr Shala complained that the new regime was unjustly restricting his visiting rights. Following this complaint and his request for review, the Registrar reviewed and ultimately confirmed the decision of the Chief Detention Officer. Mr Shala thereafter requested a judicial review by the Trial Panel of the Registrar's decision.

The Panel came to the conclusion that in her decision, the Registrar properly balanced the rights of the Accused with the demands of the Detention Facilities and the rights of other detainees and also took into consideration the need to ensure that all detainees have fair and reasonable access to facilities and equipment for maintaining personal relationships. The Panel pointed out that during those days that Mr Shala does not receive in-person or video visits, he is able to communicate with his family and other persons over the phone.

On 28 May, the Pre-Trial Judge ordered the continued detention of Mr. Ismet Bahtijari. The Pre-Trial Judge found that there continues to be a moderate risk that Mr. Bahtijari may flee due to the fact that the date for handing over the case to a trial panel has already been set for 21 June this year.

The Pre-Trial Judge also found that there continues to be a risk that Mr. Bahtijari will obstruct the progress of proceedings or commit further crimes. In this regard, the Judge was particularly mindful of the fact that the Accused has the means and the possibility to approach Witness 1, and is likely to have access to the associated networks of his co-Accused Mr Shala and other senior Kosovo Liberation Army leadership. Accordingly, should he be released, Mr Bahtijari would have the motive, means and opportunity to exert pressure on Witness 1 to dissuade him from participating in the proceedings. In the Judge's view, the measures in place at the Specialist Chambers Detention Facilities provide robust assurances with a view to minimising these risks.





### **Journalist Questions**

There were no questions asked.

