



## 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 16 July, Trial Panel I pronounced the trial judgment in the Pjetër Shala case. This is the second trial judgment at the KSC involving war crimes.

The Trial Panel found Mr. Shala guilty of the war crimes of arbitrary detention, torture and murder and sentenced him to a prison sentence of 18 years, with credit for the time served. For legal reasons, the Panel acquitted Mr. Shala for the crime of cruel treatment.

The Panel highlighted that it conducted this trial against the backdrop of a persistent climate of witness intimidation which had a visible impact on the evidence provided by some of the witnesses who appeared before the Panel.

Both parties can appeal the judgment by filing a notice of appeal within 30 days on the grounds of an alleged error of law, an error of facts or an error in sentencing.

On 11 July, the Trial Panel had decided on reducing redactions of the closing statements in this case and instructed the KSC Registry accordingly. This was the 7<sup>th</sup> decision on reducing redactions in this case and is part of the Trial Panel's effort to make the proceedings as transparent as possible.

On 12 July, Sabit Januzi and Ismet Bahtijari pleaded not guilty on the occasion of their further appearance. The public hearing followed the confirmation of the amended indictment by the Pre-Trial Judge. The amended indictment included an additional charge against Mr Januzi and Mr Bahtijari which made their further appearance necessary.

In view of the new charge and due to the Januzi Defence's stated intention to file a preliminary motion related to it, the Pre-Trial Judge on 12 July issued a decision in which she vacated her previous deadline for the Defence to file their pre-trial briefs on 15 July and ordered the Januzi Defence to file its request for an extension of the deadline by 15 July. In addition, she instructed the Defence of Mr. Bahtijari and Mr. Shala to file their responses no later than Tuesday, 16 July. Lastly the Pre-Trial Judge vacated the previously set date for handing over the case file to a trial panel and informed the parties that a new date will be set in due course.

In the same case, President Trendafilova on 16 July assigned a Supreme Court Panel to decide on Mr. Haxhi Shala's request for protection of legality against the Pre-Trial Judge's Decision on his continued detention. On 17 July, the Supreme Court Panel ordered the SPO to respond to the Mr. Shala's request, if it wishes to do so, by no later than Monday, 5 August 2024 and the Defence to file its reply to the SPO's response latest





by Monday, 19 August 2024. The Panel consists of Judges Ekaterina Trendafilova, Christine van den Wyngaert and Daniel Fransen.

In the same case, the Pre-Trial Judge on 17 July rejected a request by the Shala Defence to reconsider her decision on Mr. Shala's continued detention based on the fact that the deadline for handing over the case file to a trial Panel was not yet set. The Defence argued that given the delay in transferring the case to a trial panel, the time Mr. Shala may have to spend in detention would be unreasonable. The Pre-Trial Judge found that the Shala Defence failed to demonstrate an error of reasoning in her previous decision and pointed out that any delays in regards to the handing over of the case file to a trial panel occurred to accommodate requests made by the Defence.

On 15 July, Trial Panel II ordered the continued detention of Jakup Krasniqi and Rexhep Selimi. In regards to both accused, the Panel found that the risk that they may obstruct the progress of proceedings or commit further crimes continue to exist especially considering the stage of the proceedings during which the names and personal details of certain highly sensitive witnesses have been and will continue to be disclosed. In this context, the Panel found that the release of an accused with sensitive information in his possession would not be conducive to the effective protection of witnesses who are yet to testify.

In case of Mr. Selimi, the Panel also recalled its finding that it appears that Mr. Selimi has previously disclosed privileged information to unauthorised third parties.

The Panel concluded that it is only through the communication monitoring framework at the Specialist Chambers Detention facilities that the risks can sufficiently be mitigated. On this background, the Panel also rejected Mr. Krasniqi's request for conditional release during the court recess.

Throughout the week, witness Bislim Zyrapi continued his testimony in this case.

The next hearing in the *Thaçi et al.* case is scheduled after the court recess on 19 August starting at 9:00 in the morning.

