



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 18 July rejected a request by the Prosecution to appeal a previous decision by the Panel to exclude certain evidence related to a specific witness. The Panel had excluded this evidence finding it had limited probative value and was potentially substantially prejudicial to Mr Selimi.

In the same case, the Trial Panel on 10 July issued a decision allowing two additional victims to participate in the proceedings. They will be included in the existing group of 152 victims and shall be represented by the same Victims' Counsel. The Panel informed in its decision that the deadline for submitting applications for victims' participation in this case had passed on 15 February 2023. However, finding that there was good cause, the Panel accepted these applications even though they were submitted after the deadline. This brings the total number of participating victims in this case to 154.

On 22 July, the Trial Panel granted, in part, the Prosecution's request to admit the written statements and associated exhibits of eight witnesses into evidence. Specifically, the Panel granted the Prosecution's request in regards to six witnesses. For the remaining two witnesses, the Panel decided that they have to appear in court in addition to submitting their written statements. The Panel found that some of the information these witnesses included in their statements was not provided by any other witness, and one of the statements included inconsistencies. The Panel therefore considered it important for the Defence to have the possibility to cross-examine these two witnesses.

The next hearing in this case is scheduled for 19 August, starting at 9 in the morning.





In the case of Pjetër Shala, President Trendafilova on 22 July assigned a Court of Appeals Panel to decide on a request by the Shala Defence to extend the deadline for the filing of the notice of appeal. The Appeals Panel consists of Judges Michèle Picard, Kai Ambos and Nina Jørgensen.

The Appeals Panel on 24 July decided that the working language of the appellate proceedings in this case will be English and issued a decision on the modalities of victims' participation. According to the latter, the Victims' Counsel shall continue to have access to the entire case file, will be notified of all disclosed and distributed evidential material, may continue to make written submissions as long as they concern the participating victims' interest, and will continue to keep victims informed of the proceedings.

In the case of Salih Mustafa, the public redacted version of the Single Judge's decision from 25 March on Victims' Counsel's Request to Set a Date for the Payment of Reparations and other Matters was published on 22 July.

In his decision, the Single Judge agreed with Victims' Counsel that the Reparations Order can be implemented immediately considering that Mr Mustafa did not appeal it and given that there is a final verdict in this case.

The Single Judge invited Mr Mustafa to make any voluntary payments and ordered the Registrar to inform him of the modalities thereof. He also issued orders regarding Mr Mustafa's potential assets to be used for the partial execution of the Reparations Order on the basis of proportional payments to the victims. The Single Judge instructed the Registrar to, once the funds have been received, consult with Victims' Counsel regarding the most efficient manner to deliver the funds allocated to each victim.

The Single Judge further recalled that despite the partial enforcement of the Reparations Order, Mr Mustafa is not relieved from his obligation to pay the reparations in full, even if he is currently not able to do so. To ensure full compliance





with the Order, the Single Judge instructed the Registrar to assess the current and future means of Mr Mustafa, taking into consideration his family's needs.

The Single Judge also indicated that before submitting any potential application to the Crime Victim Compensation program in Kosovo, it must be established whether and to what extent Mr Mustafa can pay the Reparations Order himself within a reasonable time.

The Single Judge emphasized that there is no time limit for the enforcement of the Reparations Order and that Mr Mustafa's liability with regard to the victims will only end when the Reparations Order will have been executed in full.

In the case of Sabit Januzi, Ismet Bahtijari and Haxhi Shala, the Pre-Trial Judge on 23 July issued a decision on various defence requests. The Pre-Trial Judge rejected the request by the Shala Defence to hold a status conference, finding that the issues it had raised, such as problems with access to legal work flow and with funding for the Defence team, have already been solved. She reminded the Shala Defence that it should raise any Legal Workflow and legal aid related issues with the Registry in the future, before approaching the Panel, so that the problems can be solved promptly and efficiently.

The Januzi Defence had requested an extension of time to file its pre-trial brief. Based on the fact that the Bahtijari and Januzi Defence have filed preliminary motions alleging errors in the amended indictment, the Pre-Trial Judge extended the deadline as follows:

In case the Defence do not appeal the Pre-Trial Judge's decision on the Defences' preliminary motions, the Defences' pre-trial briefs shall be filed five days after the Pre-Trial Judge renders a decision on these preliminary motions. Should they appeal her decision, the deadline will be five days after the Court of Appeals Panel has rendered its decision.





The Pre-Trial Judge decided that the new date for transmission of the case file to a Trial Panel will be to two days following the submission of the Defence pre-trial briefs, if any, or the expiry of the corresponding time limit.

The Pre-Trial Judge ordered the Registrar to re-classify the relevant filings on the discussed matters as public, with the exception of a confidential annex.

In other news, the Specialist Chambers' judicial recess will start on Monday, 29 July, and last until Friday, 16 August 2024. During this period, no hearings are held and some non-essential services are reduced to a minimum. However, the court remains fully functional and work continues across all sections of the Specialist Chambers.

Filings are possible during the recess and, unless otherwise ordered by the Judges, judicial deadlines continue running.

There will be no press briefings during the court recess, so the next press briefing is scheduled for Thursday, 22 August 2024, at 14:30.

