



## 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 trial of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, on 11 October, the Trial Panel approved proposed redactions to the transcripts of four protected witness testimonies, which will allow for new public versions of the transcripts to be released with fewer redactions. This was done in the interest of guaranteeing to the greatest possible extent the publicity of the proceedings, and as part of the ongoing effort by the court to make as much material as possible public, while still ensuring the protection of witnesses and victims.

On 11 October, the Registrar notified the Panel that Mr Peter McCloskey's appointment as Co-counsel to Hashim Thaçi had been terminated, following a request by Mr Thaçi's Lead Counsel to terminate Mr McCloskey's contract as Counsel and to appoint him as a Consultant instead. Counsel informed the Defence Office that this change would not adversely affect the interests of Mr Thaçi or the duration of the proceedings.

In the same case, on 11 October, the Trial Panel rejected a Defence request to appeal an earlier decision admitting into evidence three statements by a witness who testified in court on 28 and 29 August 2024. In their decision, the Judges explained that they found the statements to be prima facie relevant, authentic, probative, and not prejudicial. The Trial Panel also stressed that the Judges will take factors such as the statements' claimed inaccuracy into proper account when assessing the weight to be given to the statements in light of the totality of the evidence.

On the same day, the Trial Panel granted a Prosecution request for a witness to testify via video conference, noting the absence of any objection by the Defence, and finding that the witness's health situation justifies his video-conference testimony. The Trial Panel also considered that receiving the witness's testimony via video-conference might help expedite the proceedings.

On 14 October, the Trial Panel denied a Defence request to appeal a decision related to the admission into evidence of a document, explaining the reasons for its admission.

On the same day, in separate decisions, the Trial Panel extended the detention of Hashim Thaçi and Kadri Veseli. For both of the accused, the Judges found that the risk that they will obstruct proceedings and/or commit further crimes against witnesses who have provided or could provide evidence in the case continues to exist.

In the decision on Mr Thaçi's detention, the Trial Panel also recalled its previous findings that it appears that Mr Thaçi provided unprivileged visitors with information elicited during the testimony of protected witnesses





and that the record suggests that he passed on to an unprivileged visitor, instructions pertaining to a future SPO witness, regarding the form and content of the witness's upcoming testimony.

In the same case, on 15 October, the Trial Panel decided on Prosecution requests related to five witness testimonies, and associated exhibits. For three of the witnesses, the Prosecution had proposed that their testimony be admitted in writing and that they appear in court for cross-examination, pursuant to Rule 154. The Defence did not object to the admission of their testimonies under this Rule, but did object to certain proposed exhibits. In their decision, the Judges admitted some of these exhibits and rejected others, explaining their reasoning in each case.

For two other witnesses, the Prosecution requested that their testimony be submitted only in writing, pursuant to Rule 153, while the Defence argued that these witnesses should appear in court for questioning. For one of the witnesses, the Judges found that their testimony can be admitted under Rule 153 because it is largely cumulative and is corroborated by other witnesses whom the Defence will be able to cross-examine, and because it does not relate directly to the alleged acts and conduct of the accused.

For the other witness, the Trial Panel denied the Prosecution's request that this witness's statement be admitted into evidence, finding that the Defence should have the opportunity to test the credibility of the witness and the reliability of their evidence, and that denying the Defence this opportunity could prejudice them.

The next scheduled trial hearing in the *Thaçi et al.* trial is next Monday, 21 October at 13:00. Hearings are also scheduled on Tuesday, Wednesday and Thursday of next week, starting at 09:00 on these days.

In the *Pjetër Shala* case, a public redacted version of the Defence's revised notice of appeal is now available on the KSC website, setting forth the Defence's grounds for appeal. The original notice of appeal was filed confidentially on 2 September.

On Friday, 11 October, due to compelling humanitarian grounds, the Trial Panel in the *Januzi et al.* case instructed the Registry to manage a custodial visit to Kosovo for Haxhi Shala to meet immediate family. As reported last Thursday, the Registry also managed a custodial visit to Kosovo for Jakup Krasniqi to meet immediate family, as instructed by the Trial Panel based on compelling humanitarian grounds. During both custodial visits, the accused remained in detention and in the custody of the Specialist Chambers. EULEX and Kosovo Police supported the Kosovo Specialist Chambers.

In the *Januzi et al.* case, the Supreme Court Panel yesterday rejected Haxhi Shala's request for reconsideration of its decision on Mr Shala's request for protection of legality, concerning his detention. In September, the Supreme Court Panel had concluded that there was no substantial violation of the procedures on the part of the Pre-Trial Judge, who initially ordered the accused's continued detention, or by the Appeals Panel that upheld the decision.

