



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, the Panel on 21 October granted in part a request by the Prosecution and allowed for the witness statements of five witnesses to be admitted into evidence in written form only. The Panel rejected the request in regards to a six witness in order to prevent undue prejudice and to ensure that the Defence is able to test the reliability of the witness statement. The Prosecution can request for this latter witness to testify in court or to hand in their written statement while being available in court for cross-examination.

On 18 October, the Trial Panel granted a request by the prosecution in part, ordering protective measures for several witnesses and allowing for the testimony via video conference of some witnesses.

During this week, two witnesses testified in court in this trial. Fadil Geci testified mostly without protective measures. As per the summary provided by the Prosecution, Fadil Geci was a KLA member and held various positions in the political party LDK during the relevant time. The second witness, Nuredin Ibishi, also testified in public. According to the Prosecution, he held several positions within the KLA in Llap Operational Zone including the position of Brigade Commander and Chief of Staff. Mr. Ibishi is the 97 witness testifying in court in this case.

The next hearing in the Thaçi et al. trial is scheduled for Monday, 28 October, starting at 09:00 in the morning.

In the case of Salih Mustafa, the Constitutional Court Panel granted a request by Prosecution and Victims' Counsel to file submissions in response to Mr. Mustafa's referral to the Specialist Chambers of the Constitutional Court from 27 September. In his referral Mr. Mustafa alleges, among others, that his constitutional rights have been violated when the Supreme Court allowed Victims Counsel to make submissions concerning his request for protection of legality and when the Supreme Court decided that the Criminal Code of the former Socialist Federal Republic of Yugoslavia from 1976 was not applicable as a basis to determine the sentencing range.

The Constitutional Court Panel emphasized that there is no inherent right to make submissions in response to referrals to the Constitutional Court given that the Constitutional Court proceedings are not adversarial in nature as they concern alleged violations of an individual's human rights. Nevertheless, the Panel found it appropriate in the present circumstances and on an exceptional basis to accept submissions by these two participants to the initial criminal proceedings. The Constitutional Court gave the deadline of 8 November. If Mr. Mustafa wishes to respond to the submissions he is ordered to do so by 29 November 2024.

