



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.

The Trial Panel in the Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, case on 3 December rejected a request by the Thaçi Defence to be allowed to appeal a decision to admit into evidence a document from an ICTY trial concerning the demeanor and credibility of a witness. The Panel found that the relevant part of the document had been put to the witness who commented thereon in the course of their cross-examination, and as such, the document did not need to be further tendered into evidence. Furthermore, the Panel found that the responsibility to assess the credibility of a witness is exclusively that of the Panel. The Panel reminded that it will assess the evidence, including any potential inconsistencies, after the close of the evidentiary phase of the proceedings, and in the context of all the evidence received.

During the week, witness Sokol Bashota testified in court. The Panel had announced that they had decided to compel Mr. Bashota to testify based on the uniqueness of his testimony and the limited nature of possible self-incrimination. The Panel assured the witness that his evidence would be given in closed session, and would not be used against him in any subsequent prosecution before the Specialist Chambers. However, following consultations with his Duty Counsel, the witness announced that he would like his testimony to be in open session.

Mr. Bashota was the 109th witness who testified in court in this case. He completed his testimony this morning and the 110th witness called by the Prosecution began their testimony. This witness is testifying under protective measures. According to the summary read out by the Prosecution in court, the witness was arrested in 1999 by armed KLA members and taken to a location where the witness was interrogated and beaten, and where the witness heard screams of other people being mistreated.

Following today's hearing, the next hearing in the Thaçi et al. trial is scheduled for Monday, 13 January 2025, starting at 09:00 in the morning.

In the case of Pjetër Shala, the Trial Panel on 28 November issued a decision on the joint submission of proposed redactions to the Defence final trial brief and the Defence response to Victims' Counsel request for reparations, and ordered the Defence to file the public redacted versions of said documents as instructed in the decision. The Panel highlighted that it has assessed each redaction proposal on a case by case basis taking into consideration, among others, the submissions made by the Defence, the Prosecution, Victims' Counsel and the Witness Protection and Support Unit; the principle of publicity of the proceedings and the Panel's duty to ensure the safety and well-being of victims and witnesses.

On 4 December, Trial Panel I ordered the continued detention of Haxhi Shala. The Panel found that there continues to be a risk of flight as well as a risk that Mr. Shala may obstruct the progress of proceedings and/or commit further crimes. While the Panel noted that conditions previously proposed by the Defence could

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sufficiently mitigate the risk of flight, the Panel found that they do not mitigate the risk that Mr Shala may obstruct the progress of proceedings. Specifically, the Panel was mindful that should Mr. Shala be released, he would have the motive, means and opportunity to exert pressure on Witness 1 or to otherwise temper with evidence. The Panel found that it is only through the communication monitoring framework applicable at the Specialist Chambers Detention Facilities that these risks can be sufficiently mitigated.

On 3 December 2024, the Appointing Authority, Major General Giovanni Pietro Barbano, appointed Judge Piotr Hofmański to the Roster of International Judges of the Specialist Chambers. Judge Hofmański is from Poland. His appointment follows the resignation of Judge Antonio Balsamo as Judge of the Specialist Chamber of the Specialist Chamber of the Constitutional Court for professional reasons. Judge Balsamo will remain a Judge on the Roster.

The Appointing Authority appointed Judge Hofmański to the Specialist Chamber of the Constitutional Court to replace Judge Balsamo as one of three Constitutional Court Judges.

We have received a number of journalist questions this morning regarding ongoing reports in Kosovo.

At this time I can only refer questions to the Specialist Prosecutor's Office and read a statement issued by the Prosecution earlier today.

The statement reads:

SPO conducts operations in investigation of administration-of-justice offences

The Specialist Prosecutor's Office (SPO) is conducting ongoing operations in Kosovo in an investigation focusing on offences against the administration of justice. The SPO operations have been judicially authorised by the Kosovo Specialist Chambers (KSC) and supported by the European Union Rule of Law Mission in Kosovo (EULEX).

Questions

A journalist asked if the Specialist Chambers expected any further arrests and Angela explained that this would be a question for the Specialist Prosecutors Office which is a separate institution. Another journalist asked about a typo on the website which was corrected immediately.

