



Press 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.

Last Friday, 6 December, the indictment against Hashim Thaçi, Bashkim Smakaj, Fadil Fazliu, Isni Kilaj and Hajredin Kuçi on charges related to alleged unlawful efforts to influence witness testimonies, was made public. It can be accessed on the KSC webpage. The Pre-Trial Judge had confirmed the indictment on 29 November.

Pursuant to this confirmed indictment and separate arrest warrants issued by a Pre-Trial Judge, Mr Smakaj, Mr Fazliu and Mr Kilaj were arrested on 5 December in Kosovo and transferred to the KSC Detention Facilities on 6 December. The Specialist Prosecutor's Office carried out the arrests with the support of the European Union Rule of Law Mission in Kosovo.

Mr Thaçi was served with an arrest warrant issued by the Pre-Trial Judge in the Detention Facilities of the Kosovo Specialist Chambers on the basis of the confirmed indictment on 5 December.

Hajredin Kuçi was served with the confirmed indictment and was summonsed to appear before the Pre-Trial Judge for his initial appearance.

According to the confirmed indictment, between at least 12 April 2023 and 2 November 2023, during separate, unprivileged visits to the Detention Facilities, Mr Thaçi provided Mr Smakaj, Mr Kilaj, Mr Fazliu and Mr Kuçi with confidential information about SPO witnesses, instructed the accused to influence the testimonies of SPO witnesses, and provided details about how to do so.

The indictment further alleges that Mr Thaçi coordinated three distinct groups, formed with Mr Smakaj, Mr Fazliu and Mr Kilaj, and other uncharged individuals, and coordinated with Mr Kuçi, to interfere with the testimonies of SPO witnesses in ongoing criminal proceedings.

Mr Thaçi is charged with three counts of attempting to obstruct, by common action of a group, official persons in performing official duties, four counts of violating the secrecy of proceedings, and four counts of contempt of court. Mr Fazliu, Mr Smakaj and Mr Kilaj are each charged with one count of attempting to obstruct, by common action of a group, official persons in performing official duties, and one count of contempt of court. Mr Kuçi is charged with two counts of contempt of court.

In line with the KSC Rules of Procedure and Evidence, separate initial appearances for the five accused in this case took place on 8 and 9 December 2024.

Fadil Fazliu, Isni Kilaj and Hajredin Kuçi pleaded not guilty to all of the charges during their initial appearances. Hashim Thaçi and Bashkim Smakaj have not yet entered a plea in relation to the charges in the indictment.





Under the Rules, an accused may enter a plea of guilty or not guilty for each of the charges at their initial appearance, or within 30 days thereafter.

Under the Rules, the Pre-Trial Judge shall convene a status conference as soon as possible after the initial appearances of the accused in order to, among other things: organise exchanges between the parties so as to ensure expeditious preparation for trial; and to take steps to ensure that all necessary preparations are being conducted by the parties in a timely and diligent fashion.

The Pre-Trial Judge on Tuesday accordingly scheduled the first status conference for next Tuesday, 17 December, starting at 14:00.

In her order, the Pre-Trial Judge noted that the status conference will include discussions on disclosure, the redaction regime to be followed in the case, and any other related topics the parties deem necessary. She also invited Hashim Thaçi and Bashkim Smakaj to enter a plea during the status conference, if they so wish.

In the separate case of Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, connected to charges of war crimes and crimes against humanity, on 11 December, the Trial Panel granted in part a request by the Prosecution to admit the testimony of 9 witnesses in written form. On 9 December, the Trial Panel also granted a request for a witness to testify with protective measures via video conferencing

In the Salih Mustafa case, the KSC President assigned a Supreme Court Panel on 10 and 11 December, respectively, to decide on two requests for protection of legality: one by Mr Mustafa and one by the Prosecution. Both requests relate to the Court of Appeals "Decision on New Determination of Salih Mustafa's Sentence".

Mr Mustafa alleges that the Court of Appeals Panel violated the Law in its determination of his sentence with respect to his murder charge and asks that the Supreme Court Panel enter a lower punishment for this count or return it to the competent Panel for a new decision. The Prosecution disputes the legality of the sentence of 15 years imposed by the Appeals Chamber as being too low, and asks the Supreme Court Panel to return the case to the Appeals Panel for the purpose of determining a new sentence.

