



## 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.

On 4 and 9 July, in the case of Hashim Thaci, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, the KSC President assigned Appeals Panels to decide on five separate appeals which all relate to how the Trial Panel interpreted the application of Rule 149, which deals with the evidence of expert witnesses.

This followed earlier decisions by the Trial Panel on 1 and 7 July granting in part defence teams' request to appeal these matters. The Trial Panel found that the resolution of this question may impact the fairness of the proceedings and could also affect the way in which the Trial Panel should approach such evidence when assessing its weight and probative value.

All five Appeals Panels consist of Judges Michele Picard, Kai Ambos and Nina Jorgensen.

In the same case, on 3 July, the Trial Panel denied the admission of three expert reports requested by Victims' Counsel, as Victims' Counsel did not foresee calling the reports' authors to testify. Under the rules the Defence must have the opportunity to challenge an author of an expert report in court, unless the Defence does not object to the admission of such a report without the relevant expert witness testifying.

The Trial Panel deferred its decision on three additional reports until after the testimony of the Victims' Counsel's expert witnesses who have authored or co-authored the relevant reports.

In its decision, the Trial Panel also approved the Victims' Counsel request for two expert witnesses to testify together, and scheduled their testimony to begin on 16 July, noting that as a result of the limited nature of the Defence request for dismissal of charges the trial proceedings are expected to advance to the next stage.

On 4 July, Victims' Counsel notified the Trial Panel that they estimate that the testimony of the two expert witnesses will take two hours, after which the Prosecution has indicated it will need two hours for cross-examination, and the Defence has estimated it will need five hours for cross-examination.

On 9 July, the Trial Panel admitted into evidence the statements and evidence of a number of victims, upon the request of Victims' Counsel, as they relate to the harm the victims suffered. The Trial Panel also denied the admission of some associated exhibits proposed by Victims' Counsel because these exhibits had not been discussed in detail during court testimony.

In the same case, a decision from 1 May by the Trial Panel admitting the written evidence of a witness pursuant to Rule 155 was made public earlier this week.





This rule allows for the admission of a written statement or transcript by a person who is unavailable to testify in person by reason of a physical or mental impairment, or other compelling reason, if certain conditions are satisfied.

In their decision the judges noted that because the Defence will not be able to cross-examine the witness, the rules require that the witness's evidence cannot be relied upon by the Trial Panel to a sole or decisive extent. The Trial Panel emphasised that it would consider this, along with any other factors raised by the Parties, when determining the ultimate weight (if any) to place on the witness's evidence. The Trial Panel also emphasised that this witness is a crime-base witness whose evidence does not go to proof of the acts and conduct of the Accused as charged in the indictment.

In the Salih Mustafa case, on 9 July, the Specialist Chamber of the Constitutional Court dismissed the most recent referral by Salih Mustafa in relation to his sentence, in which the Defence had alleged that the sentence was disproportionate.

The Constitutional Court Panel explained in its reasoning that since the applicant neither challenged the proportionality of the punishment prescribed by Law for the offence, nor advanced any arguments indicating that the sentence imposed on him was grossly disproportionate to the gravity of the offence, the judges found that the referral did not reveal any appearance of a violation of the Applicant's constitutional rights. On this basis, the Constitutional Court Panel dismissed the referral as inadmissible.

As a reminder, Mr. Mustafa's original sentence of 26 years imprisonment was reduced by the Appeals Panel to 22 years of imprisonment in December 2023, and further reduced by the Appeals Chamber to 15 years in September 2024 following guidance from the Supreme Court Chamber on sentencing.

In the same case, and in the interest of the publicity of proceedings, the Single Judge overseeing the implementation of the reparations order has ordered the Registrar to file public redacted versions of a number of confidential documents and indicated that public versions of related decisions will also be issued.

Mr. Mustafa was convicted of the war crimes of arbitrary detention, torture and murder in 2022, and ordered to pay an overall sum of €207,000 as compensation for the harm inflicted on the victims of the crimes for which he was convicted. The reparations order has so far been partially implemented and the participating victims in the case have received a percentage of the reparations ordered to them, with the exception of one victim who did not wish to receive reparations.

In the Pjetër Shala case, the Appeals Panel is scheduled to pronounce its judgment next Monday, 14 July, starting at 11:30. The hearing will be public and can be followed in Albanian, Serbian or English through the streaming page of the KSC website with a 10-minute delay, or from the public gallery at the premises of the court.

