

KOSOVO SPECIALIST CHAMBERS &
SPECIALIST PROSECUTOR'S OFFICE

2023 REPORT



KOSOVO SPECIALIST CHAMBERS &
SPECIALIST PROSECUTOR'S OFFICE

The Kosovo Specialist Chambers and Specialist Prosecutor's Office were established pursuant to an international agreement ratified by the Kosovo Assembly, a Constitutional Amendment and the Law on Specialist Chambers and Specialist Prosecutor's Office.

They are of temporary nature with a specific mandate and jurisdiction over crimes against humanity, war crimes and other crimes under Kosovo law, which were commenced or committed in Kosovo between 1 January 1998 and 31 December 2000 by or against citizens of Kosovo or the former Federal Republic of Yugoslavia.

The Kosovo Specialist Chambers and the Specialist Prosecutor's Office have a seat in The Hague, the Netherlands. Their staff is international, as are the Judges, the President, the Registrar and the Specialist Prosecutor.

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2023 REPORT



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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KOSOVO SPECIALIST CHAMBERS

Foreword

We are pleased to present the 2023 annual report of the Kosovo Specialist Chambers (KSC). The KSC has continued with the fulfilment of its mandate in an efficient and effective manner. Over the course of the year, a wide range of important milestones were reached, with the issuance of the KSC's first appeal judgment – involving offences against the administration of justice – the first two decisions on the commutation, modification or alteration of sentences as a result of that appeal judgment, and the first appeal judgment involving war crimes. Two trials commenced and progressed in an efficient manner. In addition, four individuals were arrested in Kosovo on allegations of the intimidation of witnesses. One individual, who resides in Albania, was charged with offences against the administration of justice, but has not yet been transferred to the KSC's Detention Facilities. The significant pace at which the KSC continues to progress are thanks to the unwavering commitment of the KSC Judges, staff members, and other personnel across the court.

The judicial activities at the KSC further intensified over the course of 2023. Specifically, two trial proceedings commenced with the opening statements and proceeded with the presentation of evidence. The evidentiary phase in one of those cases has almost concluded. During the reported period, the first appeal judgment for offences against the administration of justice was issued. In the same case, the President rendered the first decisions on commutation, modification or alteration of sentences after the two convicted persons served two-thirds of their sentences. Moreover, the first appeal judgment related to war crimes was issued. During the same period, four individuals were arrested in Kosovo and were transferred to the KSC's Detention Facilities, and pre-trial proceedings commenced in two of those cases. In addition, one individual residing in Albania was charged with offences against the administration of justice. While the Albanian courts initially assisted to arrest him in July 2023, the KSC request to transfer him to The Hague was still pending before Albanian courts at the end of the year.

For the first time since the KSC became judicially operational, panels at all levels of the proceedings were seised with different matters, namely the Single Judge, the Pre-Trial Judge, Trial Panels, Court of Appeals Panels, the Supreme Court Panel, the Specialist Chamber of the Constitutional Court and the President.

In 2023, the KSC Judges held their annual plenary in March, during which the Judges were updated on relevant institutional matters and engaged with different topics on the agenda of the plenary session. The Judges also gathered in September for a colloquium, during which they engaged with various speakers on topics relevant to international criminal law.

Bilateral cooperation with States is vitally important to the KSC's ability to fulfil its mandate. Over the course of 2023, we have continued to emphasise at every diplomatic meeting the importance to conclude agreements for the enforcement of sentences of persons convicted by the KSC.

We travelled to New York in July and October, where we engaged in events organised by the international community on a variety of criminal justice topics and also briefed the members on the international community about the mandate and work of the court. In November, the President travelled to Kosovo to meet with civil society, the media and others to provide information about the ongoing proceedings and answer any questions about the KSC and its mandate.

The outreach team has continued to organise a wide range of events in Kosovo with members of Kosovo civil society. The KSC further hosted the Court Information Network (CIN) at its premises in April for a workshop, during which we presented to CIN members and received invaluable insight on the content and effectiveness of the court's Outreach programme. The KSC has been able to advance its robust Outreach programme thanks to the generous financial contribution of Switzerland.

Outreach efforts are being undertaken on social-media as well. The KSC's proceedings can be followed either via its live-stream function on the website or through its YouTube channel. The most important updates are further provided on the KSC's website on the "LiveUpdate" function, as well as on the KSC's X-account. Members of the KSC's Public Information and Communication Unit are always available to answer any questions posed, whether by media representatives or civil society, and the KSC opened its doors during the Just Peace Open Day on 24 September for the public to see the courtroom and ask any questions they may have.

Over the course of 2023, all staff members underwent trainings on the KSC Anti-Harassment Policy, which is in furtherance of the KSC's zero-tolerance policy against any form of harassment.

We are profoundly grateful to the Member States of the European Union (EU) and Third Contributing States, for their unremitting support to the KSC over the course of 2023. We are similarly appreciative of the EU Rule of Law Mission in Kosovo for their support during operations there and to the Kosovo police for their assistance.

Judge Ekaterina Trendafilova
President of the Kosovo Specialist Chambers

The Hague, 22 December 2023

We also want to express our gratitude to the KSC's counterparts at the EU External Action Service, the Civilian Planning and Conduct Capability and the European Commission's Service for Foreign Policy Instruments for their assistance and cooperation with the KSC during 2023.

We are further grateful to States, members of the diplomatic community, as well as international and internationalised courts and tribunals in The Hague for their constructive exchanges on organisational and administrative matters.

We look forward to the year ahead, as the KSC continues to undertake its proceedings in a secure, independent, impartial, fair and efficient manner in accordance with its mandate.

Dr Fidelma Donlon
Registrar of the Kosovo Specialist Chambers

KSC at a Glance

In June 2008, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe appointed a special rapporteur to investigate allegations of serious crimes committed during and in the aftermath of the 1998-1999 conflict in Kosovo.

In January 2011, the Parliamentary Assembly of the Council of Europe, through Resolution 1782 (2011), adopted the report prepared by the special rapporteur (Council of Europe Report), which alleged that numerous crimes were committed against Serbs, Kosovo Albanians suspected of being collaborators, and other individuals.

Further to the Council of Europe Report, in May 2011, EU Member States considered the matter in the framework of the Political and Security Committee, a body dealing with the EU Common Foreign and Security Policy. Thereupon, the Special Investigative Task Force (SITF) was established and mandated to conduct an independent investigation into allegations of unlawful detention, deportation, inhumane acts, torture and killings, as well as any other crimes related to the Council of Europe Report. Based in Brussels, the SITF commenced its operations in September 2011.

Whilst this investigation was ongoing, in an Exchange of Letters between the President of Kosovo and the High Representative of the European Union for Foreign Affairs and Security Policy in April 2014, an international agreement was reached for the establishment and operation of separate judicial chambers and specialist prosecutor's office for the prosecution and adjudication of crimes arising from SITF investigations.

The Exchange of Letters provides that these dedicated and separate judicial chambers would be established in accordance with Kosovo law. These judicial chambers and the specialist prosecutor's office would be governed by their own statute and rules of procedure and evidence, while being staffed and managed by international staff only and have only international judges.

The Exchange of Letters also states that the separate judicial chambers would have a seat in a third state and that sensitive proceedings, including hearing of witnesses, would take place outside Kosovo. The Exchange of Letters was ratified in April 2014 by the Kosovo Assembly with a two-thirds majority and incorporated into domestic law. It has superiority over the laws of Kosovo.

In July 2014, the SITF Chief Prosecutor issued a statement, concluding that the SITF "will be in a position to file an indictment against certain senior officials of the former Kosovo Liberation Army".

In March 2015, the President of the Kosovo Assembly referred to the Kosovo Constitutional Court a constitutional amendment proposed by the Kosovo government to implement the Exchange of Letters. According to the Constitution, the Kosovo Constitutional Court had to assess whether the proposed amendment diminished any of the rights and freedoms guaranteed by Chapter II of the Constitution.

In April 2015, the Kosovo Constitutional Court held that the amendment proposal was in conformity with the Kosovo Constitution and held that "[t]he structure, scope of jurisdiction and functioning of the Specialist Chambers will be regulated by further laws in compliance with the Constitution".

This amendment was implemented through Article 162 of the Kosovo Constitution, adopted by the Kosovo Assembly in August 2015. At the same time, the Law on the establishment of both institutions was also adopted, which serves as the foundational instrument for the Kosovo Specialist Chambers (KSC) and the Specialist Prosecutor's Office (SPO).

In April 2016, Dr Fidelma Donlon was appointed Registrar of the KSC, marking the commencement of the work of the Registry in The Hague.

In September 2016, Mr David Schwendiman was appointed Specialist Prosecutor.

In December 2016, Judge Ekaterina Trendafilova was appointed President of the KSC. She took office in January 2017.

On 1 January 2017, the Host State Agreement between Kosovo and the Netherlands entered into force, allowing the KSC to conduct criminal proceedings in the Netherlands.

Subsequently, in February 2017, 19 Judges were appointed to the Roster of International Judges of the Kosovo Specialist Chambers. In March 2017, during the first plenary, the KSC Judges adopted the Rules of Procedure and Evidence.

After a constitutional review by the Specialist Chamber of the Constitutional Court, the Rules of Procedure and Evidence entered into force in July 2017, rendering the KSC fully judicially operational.

In November 2017, the Registrar adopted the Directive on Counsel regulating matters such as the eligibility of lawyers to represent suspects, accused and victims before the KSC. Since then, 238 practitioners from Kosovo, Serbia and a number of other countries have been admitted to the Lists of Defence and Victims' Counsel.

In May 2018, Mr Pietro Spera was appointed Ombudsperson of the KSC.

In June 2018, the Court Information Network comprising of local NGOs from Kosovo and Serbia was established.

In September 2018, Mr Jack Smith succeeded Mr David Schwendiman as Specialist Prosecutor.

In March 2019, the Judges of the KSC convened for the fourth plenary. In that same month, the Code of Professional Conduct for Counsel and Prosecutors before the KSC was adopted.

In June 2019, the KSC and the SPO moved to their new premises in The Hague.

In February and April 2020, the Specialist Prosecutor filed the first indictments.

In April 2020, Registrar Fidelma Donlon was reappointed for another term of four years.

In September 2020, six new Judges were sworn in, the Specialist Prosecutor arrested the first accused, Mr Salih Mustafa, for alleged war crimes and the Specialist Prosecutor arrested Mr Hysni Gucati and Mr Nasim Haradinaj for alleged crimes against the administration of justice.

In November 2020, the Specialist Prosecutor arrested Messrs Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi for alleged crimes against humanity and war crimes.

In December 2020, President Ekaterina Trendafilova was reappointed for a term of four years.

On 16 March 2021, Mr Pjetër Shala was arrested in Belgium and transferred to the KSC Detention Facilities on 15 April 2021.

On 5 May 2021, the President assigned Trial Panel I to the case of the *Specialist Prosecutor v. Salih Mustafa*, which commenced trial proceedings on 15 September 2021 with the opening statement of the Specialist Prosecutor.

On 15 July 2021, the President assigned Trial Panel II to the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*, which commenced trial proceedings on 7 October 2021 with the opening statement of the Specialist Prosecutor.

On 8 May 2022, Specialist Prosecutor Jack Smith was reappointed for a term of four years.

On 18 May 2022, Trial Panel II rendered the first judgment at the KSC in the case of *the Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*, finding both accused guilty of obstructing official persons in performing official duties, intimidation during criminal proceedings and violating the secrecy of proceedings.

On 17 June 2022, Messrs Gucati and Haradinaj filed their notices of appeal against the trial judgment.

On 21 September 2022, the Pre-Trial Judge transferred the case of *the Specialist Prosecutor v. Pjetër Shala* to Trial Panel I.

On **19 November 2022**, Mr Alex Whiting became the Acting Specialist Prosecutor following Mr Jack Smith's departure.

On **1 and 2 December 2022**, the Court of Appeals Panel held an appeal hearing in the case of *the Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*.

On **15 December 2022**, the Pre-Trial Judge transferred the case of *the Specialist Prosecutor v. Hashim Thaçi et al.* to Trial Panel II.

On **16 December 2022**, Trial Panel I issued the trial judgment in the case of *the Specialist Prosecutor v. Salih Mustafa*, finding the accused guilty of arbitrary detention, torture and murder as war crimes.

On **2 February 2023**, the Court of Appeals Panel rendered its judgment in the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*, affirming the trial judgment, but reducing the sentences to four years and three months' of imprisonment.

On **21 and 22 February 2023**, trial proceedings commenced in the case of the *Specialist Prosecutor v. Pjetër Shala* with the opening statements of the parties and Victims' Counsel.

On **3 April 2023**, trial proceedings in the case of the *Specialist Prosecutor v. Hashim Thaçi et al.* commenced with the opening statements of the Specialist Prosecutor.

On **2 June 2023**, Ms Kimberly West succeeded Mr Jack Smith as the Specialist Prosecutor

On **31 July 2023**, Mr Dritan Goxhaj was arrested in Albania by local authorities pursuant to an arrest warrant of the KSC and thereafter released after a decision by the Albanian Court of Appeal.

On **5 October 2023**, Mr Ismet Bahtijari and Mr Sabit Januzi were arrested in Kosovo for alleged offences against the administration of justice.

On **12 October 2023**, Mr Hysni Gucati's sentence was modified to provide for his release to Kosovo with certain conditions.

On **2 November 2023**, Mr Isni Kilaj was arrested in Kosovo for alleged offences against the administration of justice.

On **11 December 2023**, Mr Haxhi Shala was arrested in Kosovo for alleged offences against the administration of justice.

On **12 December 2023**, Mr Nasim Haradinaj's sentence was modified to provide for his release to Kosovo with certain conditions.

On **14 December 2023**, Court of Appeals Panel issued the appeal judgment in the case of the *Specialist Prosecutor v. Salih Mustafa*, upholding the trial judgment, in part, and reduced his sentence to 22 years of imprisonment.



2011



January 2011

The Council of Europe (CoE) Parliamentary Assembly approves a Report on “Inhuman treatment of people and illicit trafficking in human organs in Kosovo”.

September 2011

The Special Investigative Task Force (SITF), established by the EU to conduct criminal investigations into the allegations of the CoE Report, commences its work.

2014

April 2014

The Kosovo President and the High Representative of the EU for Foreign Affairs and Security Policy exchange letters on the establishment of “separate judicial chambers”.

2015

August 2015

The Kosovo Assembly adopts Article 162 of the Kosovo Constitution and the Law on Specialist Chambers and Specialist Prosecutor’s Office.

2016



April 2016

Dr Fidelma Donlon is appointed Registrar of the KSC, marking the commencement of the work of the judicial institution in The Hague.



September 2016

Mr David Schwendiman is appointed Specialist Prosecutor.



December 2016

Judge Ekaterina Trendafilova is appointed President of the KSC.

2017

January 2017

The Host State Agreement between Kosovo and the Netherlands enters into force, allowing the KSC to conduct criminal proceedings in the Netherlands.



February 2017

19 Judges are appointed to the Roster of International Judges.

March 2017

Judges adopt the Rules of Procedure and Evidence, subject to review by the Specialist Chamber of the Constitutional Court.

July 2017

Following the constitutional review conducted by the Specialist Chamber of the Constitutional Court, the Rules of Procedure and Evidence enter into force and the KSC becomes judicially operational.

November 2017

The Registrar adopts the Directive on Counsel regulating matters such as the eligibility of lawyers to represent suspects, accused and victims before the KSC.

2018



May 2018

Mr Pietro Spera is appointed Ombudsperson of the KSC.



September 2018

Mr Jack Smith succeeds Mr David Schwendiman as Specialist Prosecutor.

2019



June 2019

The KSC and the SPO move to their new premises.

2020

February and April 2020

The Specialist Prosecutor files the first indictments.

April 2020

Registrar Fidelma Donlon is reappointed for another term of four years.

September 2020

Six new Judges are sworn in and the Specialist Prosecutor arrests Mr Salih Mustafa for alleged war crimes and then Mr Hysni Gucati and Mr Nasim Haradinaj for alleged crimes against the administration of justice.

November 2020

The Specialist Prosecutor arrests Messrs Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi for alleged crimes against humanity and war crimes.

December 2020

President Ekaterina Trendafilova is reappointed for a term of four years.

2021



March 2021

Mr Pjetër Shala is arrested in Belgium for alleged war crimes.



September 2021

Trial proceedings in the case of the *Specialist Prosecutor v. Salih Mustafa* start.

October 2021

Trial proceedings in the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj* start.

2022



March 2022

Trial in the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj* closes.

May 2022

Specialist Prosecutor Jack Smith is reappointed for a term of four years.

May 2022

Trial Panel II issues first KSC trial judgment in the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*.

June 2022

Mr Hysni Gucati and Mr Nasim Haradinaj file notices of appeal against their trial judgment.

September 2022

Trial in the case of the *Specialist Prosecutor v. Salih Mustafa* closes.



November 2022

Mr Alex Whiting becomes the Acting Specialist Prosecutor following Mr Jack Smith's departure.



December 2022

Appeal hearing in the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*.



December 2022

Trial Panel I issues the KSC's first war crimes trial judgment in the *Specialist Prosecutor v. Salih Mustafa*.

2023

February 2023

Court of Appeals Panel renders its judgment in the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*.



February 2023

Trial proceedings in the case of the *Specialist Prosecutor v. Pjetër Shala* start.



April 2023

Trial proceedings in the case of the *Specialist Prosecutor v. Hashim Thaçi et al.* start.

Timeline



June 2023

Ms Kimberly West is appointed as the new Specialist Prosecutor.

July 2023

Mr Dritan Goxhaj is arrested in Albania by local authorities for alleged offences against the administration of justice and thereafter released by the Albanian Court of Appeals.



October 2023

The Specialist Prosecutor arrests Messrs Ismet Bahtijari and Sabit Januzi for alleged offences against the administration of justice.

October 2023

Mr Hysni Gucati's sentence is modified to provide for his release to Kosovo with certain conditions.



November 2023

The Specialist Prosecutor arrests Mr Isni Kilaj in Kosovo for alleged offences against the administration of justice.



December 2023

The Specialist Prosecutor arrests Mr Haxhi Shala for alleged offences against the administration of justice.

December 2023

Mr Nasim Haradinaj's sentence is modified to provide for his release to Kosovo with certain conditions.



December 2023

Court of Appeals Panel renders its judgment in the case of the *Specialist Prosecutor v. Salih Mustafa*.

The Kosovo Specialist Chambers (KSC) and the Specialist Prosecutor's Office (SPO) are two independent institutions established following an Exchange of Letters in accordance with Kosovo law and through a constitutional amendment in 2015. The Law on Specialist Chambers and Specialist Prosecutor's Office (Law) was adopted by the Kosovo Assembly in August 2015.



■ The mandate of the KSC is

- “To ensure secure, independent, impartial, fair and efficient criminal proceedings in relation to allegations of grave trans-boundary and international crimes committed during and in the aftermath of the conflict in Kosovo, which relate to those reported in the Council of Europe Parliamentary Assembly Report [...] and which have been the subject of criminal investigation by the Special Investigative Task Force” (Article 1 of the Law).

■ The KSC is established in accordance with the Exchange of Letters and Kosovo law

- having the same court levels as the Kosovo judicial system (basic, appeal, supreme, constitutional)
- having a seat outside Kosovo
- having Judges and staff who are citizens of EU Member States or Third Contributing States
- applying international customary law and domestic substantive criminal law as provided for in the Law
- applying its own rules of procedure and evidence.

■ The KSC is a temporary judicial institution

- it will only be in existence for the time necessary to deal with charges presented by the Specialist Prosecutor and until Kosovo is notified by the EU Council that investigations and proceedings have concluded.

■ The jurisdiction of the KSC covers

- crimes against humanity, war crimes and other crimes under the applicable criminal law at the time the crimes were
 - committed between 1 January 1998 and 31 December 2000
 - either commenced or were committed in Kosovo, or committed by or against persons of Kosovo/Federal Republic of Yugoslavia citizenship
- certain offences against the administration of justice when they relate to its official proceedings and/or officials.

■ The KSC deals with individual criminal responsibility only - groups or organisations cannot be put on trial.

■ The KSC allows victims' participation in proceedings.

■ The KSC and the SPO are funded by EU Member States and Third Contributing States, and are independent in the fulfilment of their mandate and work.

■ The official languages of the KSC and the SPO are Albanian, Serbian and English.

■ The KSC has an Ombudsperson, who acts independently to monitor, defend and protect the fundamental rights and freedoms of persons interacting with the KSC and the SPO, including by

- operating a complaints procedure, which individuals can make use of if

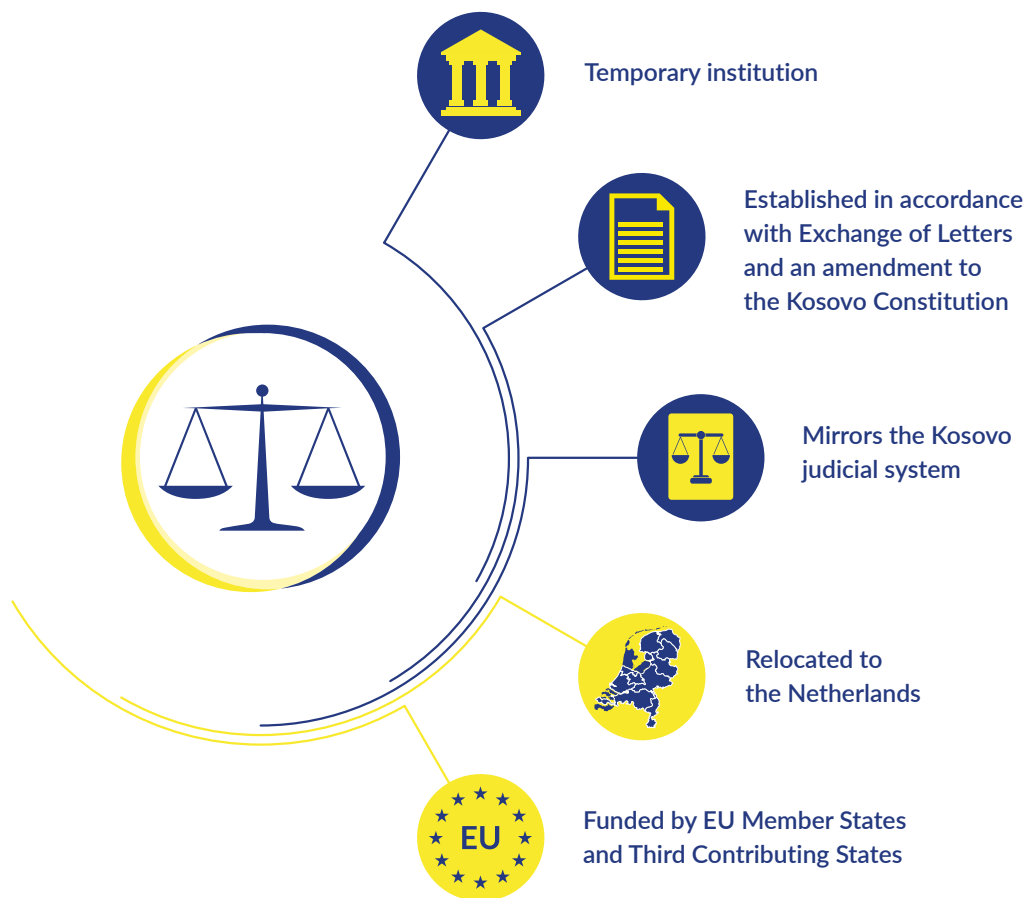
- the complaint involves an interaction between the complainant and the KSC or the SPO

- there is undue delay in a proceeding before the KSC

- all other remedies have been exhausted

- the complaint has been filed within six months of the alleged violation

- entering and inspecting the KSC Detention Facilities to assess the conditions of detention at any time and without notice.







CHAMBERS

1

Judicial Activities

The Kosovo Specialist Chambers (KSC) had a very active judicial year in 2023, with a large number of significant milestones reached during this time. Specifically, the KSC's first appeal judgment was issued on 2 February 2023 in the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*, which involved offences against the administration of justice and which is also the first case to have fully concluded. In addition, the first appeal judgment involving war crimes was issued on 14 December 2023 in the case of the *Specialist Prosecutor v. Salih Mustafa*. Trial proceedings in the cases of the *Specialist Prosecutor v. Hashim Thaçi et al.* and the *Specialist Prosecutor v. Pjetër Shala* commenced, and three further accused and one suspect were arrested in Kosovo and transferred to the Detention Facilities in October, November and December in relation to offences against the administration of justice.

Another accused charged with the intimidation of witnesses was arrested in Tirana, Albania on 31 July and his transfer to the Detention Facilities will depend on the outcome of an appeal to be filed by the Albanian Prosecutor against the Albanian Court of Appeals decision rejecting a request to transfer him to the KSC.

Every level of the Specialist Chambers was seised during 2023, including the Single Judge, the Pre-Trial Judge, two Trial Panels, Court of Appeals Panels, a Supreme Court Panel and the Specialist Chamber of the Constitutional Court (SCCC). For the first time since the KSC became judicially operational, the President was seised with proceedings related to the commutation of sentences of two convicted persons. During the course of the year, these Panels and the President issued a combined 1392 decisions and orders, of which 177 were rendered orally.

a.

PROCEEDINGS BEFORE THE SINGLE JUDGE

Specialist Prosecutor v. Isni Kilaj

On 2 November 2023, Mr Isni Kilaj was arrested in Kosovo pursuant to an order issued by the Specialist Prosecutor. The arrest order was issued for offences against the administration of justice including obstructing official persons in performing official duties and violating secrecy of proceedings. Mr Kilaj was transferred to the Detention Facilities on 3 November 2023. Mr Kilaj made his first appearance before the Single Judge, Judge Nicolas Guillou, on 4 November 2023.



Mr Isni Kilaj during his initial appearance, 4 November 2023

The Single Judge ordered the continued detention of Mr Kilaj on 8 November 2023, finding that there was a grounded suspicion that he has committed offences against the administration of justice falling under the KSC's jurisdiction and that due to, inter alia, a flight risk, his continued detention is appropriate.



Single Judge and Pre-Trial Judge Nicolas Guillou

b.

PROCEEDINGS BEFORE THE PRE-TRIAL JUDGE

Specialist Prosecutor v. Ismet Bahtijari and Sabit Januzi

On 5 October 2023, Mr Ismet Bahtijari and Mr Sabit Januzi were arrested in Kosovo by the Specialist Prosecutor's Office (SPO) pursuant to arrest warrants, transfer orders and a confirmed indictment issued by the Pre-Trial Judge, Judge Guillou on 2 October. Both accused were transferred to the Detention Facilities on 6 October. The indictment against Mr Bahtijari and Mr Januzi charges them with intimidation and attempting to obstruct by serious threat official

persons in performing official duties, both individually and by participating in the common action of a group.

Both accused made their initial appearances on 9 October before the Pre-Trial Judge and pleaded not guilty to the charges against them. In addition, two status conferences were held in this case: one on 12 October and one on 6 November.



Pre-Trial Judge Guillou during Mr Januzi's initial appearance, 9 October 2023



Mr Januzi during his initial appearance, 9 October 2023



Mr Bahtijari during his initial appearance, 9 October 2023

Specialist Prosecutor v. Haxhi Shala

On 4 December, the Pre-Trial Judge confirmed the charges against Mr Haxhi Shala for offences against the administration of justice and issued a warrant for his arrest. According to the indictment, Mr Shala, together with other individuals including Mr Januzi and Mr Bahtijari, coordinated between at least 5 and 12 April 2023 to approach a witness who has or is likely to provide information to the SPO or KSC about crimes falling within the court's jurisdiction.

Mr Shala was arrested in Kosovo on 11 December and transferred to the Detention Facilities on 12 December. Mr Shala's initial appearance took place on 13 December and a status conference was held on



Mr Haxhi Shala during his initial appearance, 13 December 2023

15 December, during which he pleaded not guilty to the charges against him.

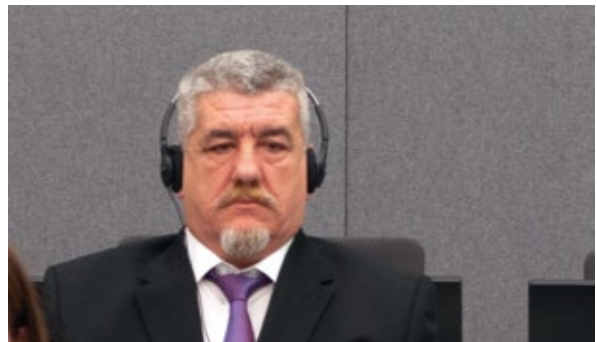
c.

PROCEEDINGS BEFORE THE TRIAL PANELS

Specialist Prosecutor v. Pjetër Shala

Trial proceedings commenced on 21 and 22 February 2023 in the case against Mr Pjetër Shala with the opening statements of the Acting Specialist Prosecutor, the Defence Counsel and the Victims' Counsel. Mr Shala, who was allegedly a member of the Kosovo Liberation Army (KLA) stationed in Kukës, Albania, is charged with four counts of war crimes (arbitrary detention, cruel treatment, torture and murder). These war crimes allegedly took place between approximately 17 May 1999 and 5 June 1999 against persons detained at the Kukës Metal Factory allegedly used by the KLA.

Trial Panel I, which was assigned to this case, is composed of Judges Mappie Veldt-Foglia (Presiding), Roland Dekkers, Gilbert Bitti and Vladimir Mikula (reserve).



Mr Shala during the opening statements, 21 February 2023



Trial Panel I during hearing in the *Shala* case, 27 March 2023

The SPO closed its case on 6 July, after having called 10 witnesses to testify. On 21 August, the Victims' Counsel presented evidence and on 24 and 25 August 2023 the Defence preparation conference took place. On 15 September, Trial Panel I denied the Defence motion to dismiss the charge of murder (count 4) pursuant to Rule 130 of the Rules of Procedure and

Evidence after which the Defence case commenced on 20 September 2023. By the end of 2023, the Defence had called nine witnesses and it is anticipated that it will close its case by 15 January 2024.

There are eight participating victims in this case, all of whom are Kosovo Albanian.

[T]he Panel [...] finds that the expected testimonies of W04405, W04441, W04280 and W04440 are relevant to the case, as the witnesses are expected to provide information that goes to the credibility of SPO witnesses [...]. They are also expected to testify about their knowledge (or lack thereof) of cases of detention and/or mistreatment of detainees at the Kukës Metal Factory, and/or the layout of the Kukës Metal Factory [...].

The Panel finds it appropriate, as requested by the Defence, to hear the testimonies of all four witnesses in person at the seat of the Specialist Chambers in The Hague.

KSC-BC-2020-04/F00683/RED, Public redacted version of Decision on the Defence request under Rule 121(3) of the Rules to summons witnesses W04405, W04441, W04280 and W04440, 16 November 2023, paras 14, 17.

Specialist Prosecutor v. Hashim Thaçi et al.

Trial proceedings in the case against Mr Hashim Thaçi, Mr Kadri Veseli, Mr Rexhep Selimi and Mr Jakup Krasniqi commenced on 3 April 2023 with the opening statements of the Specialist Prosecutor. By the end of 2023, the SPO had called 39 witnesses to testify and 138 witness statements were admitted into evidence.

The indictment states that the crimes charged were committed from at least March 1998 through September 1999 and took place in several locations across Kosovo as well as in Kukës and Cahan, in Northern Albania. The crimes were allegedly committed by members of the KLA against hundreds of civilians and persons not taking part in hostilities.

Mr Thaçi, Mr Kadri, Mr Selimi and Mr Krasniqi are charged each with 10 counts – four counts of war crimes and six counts of crimes against humanity.



Hearing in the *Thaçi et al.* case, 3 April 2023

Trial Panel II, which was assigned to this case by the President, is composed of Judges Charles Smith III

(Presiding), Christoph Barthe, Guénaél Mettraux and Fergal Gaynor (reserve).



Trial Panel II during the opening statements in the *Thaçi et al.* case, 3 April 2023

There are 141 participating victims in this case.

The Constitutional Court did not in its analysis suggest that, where a witness at trial gives evidence materially different from a statement the witness gave during the investigation stage, Rule 155(2) is to be preferred to Rule 143(2)(c). Rather, as is evident from the Constitutional Court's analysis, the admission of a prior inconsistent statement made at the stage of investigation under Rule 143(2)(c) is a tool which is open for the Panel to use where the requirements of that rule are met. There is no support, in the Constitutional Court Judgement or elsewhere, for the suggestion that Rule 155 is lex specialis to Rule 143(2)(c). Furthermore, such an interpretation would render Rule 143(2)(c) irrelevant.

KSC-BC-2020-06/F01821, Decision on Prosecution Request for Admission of W03827's Witness Statements Pursuant to Rule 143(2) and Defence Request for Reconsideration, 28 September 2023, para. 25.

Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj

Mr Hysni Gucati and Mr Nasim Haradinaj were charged with four offences against the administration of justice and public administration and two offences against public order, namely obstructing official persons in performing official duties by serious threat, intimidation, retaliation and violating the secrecy of the proceedings.

The KSC reached an important milestone with the issuance of the Court of Appeals Panel judgment in this case on 2 February 2023. This was the first appeal judgment rendered at the KSC. The Court of Appeals Panel, composed of Judges Michèle Picard (Presiding), Kai Ambos and Nina Jørgensen, affirmed the finding of the Trial Panel that Mr Gucati and Mr Haradinaj are guilty of intimidation during criminal proceedings,

violating the secrecy of proceedings through the unauthorised revelation of secret information disclosed in official proceedings, and violating the secrecy of proceedings through the unauthorised revelation of the identities and personal data of protected witnesses.

The Court of Appeals Panel, by majority, also affirmed Mr Gucati's and Mr Haradinaj's conviction by the Trial Panel for obstructing official persons in performing official duties by serious threat. The Court of Appeals Panel, by majority, reduced the sentence of Mr Gucati and Mr Haradinaj to four years and three months of imprisonment, with credit for time served and a monetary sentence of a fine of 100 Euro each.



Court of Appeals Panel during the rendering of the judgment in the *Gucati and Haradinaj* case, 2 February 2023



Mr Gucati and Mr Haradinaj during the rendering of their appeal judgment, 2 February 2023

The nature of the crimes under the jurisdiction of the Specialist Chambers and the context in which they were committed necessitate reliance upon oral evidence. It is fundamental to the fulfilment of the Specialist Chambers' mission that individuals who come to give evidence, often about traumatic or difficult experiences, may do so without fear.

The protection of the witnesses from intimidation and harm lies at the very foundation of any system of criminal justice, including the Specialist Chambers. This case concerns therefore the proper administration of justice, the integrity and security of proceedings and the safety of witnesses.

Summary of appeal judgment in the Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj (KSC-CA-2022-01), 2 February 2023, p. 2.

Specialist Prosecutor v. Salih Mustafa

The indictment charges Mr Salih Mustafa with four counts of war crimes (arbitrary detention, cruel treatment, torture and murder) committed in April 1999. According to the indictment, during the relevant period, Mr Mustafa was the commander of a guerrilla unit within the Llap operational zone of the KLA

On 16 December 2022, Trial Panel I found Mr Mustafa guilty of torture, arbitrary detention and murder as a war crime and sentenced him to 26 years of imprisonment. The Trial Panel acquitted Mr Mustafa of cruel treatment as a war crime.

On 6 April 2023, Trial Panel I issued a reparation order in the case ordering Mr Mustafa to pay 207,000 Euro as compensation for the harm inflicted on the victims of the crimes for which he was convicted. There are eight participating victims in this case, all of Albanian ethnicity.

Mr Mustafa appealed the trial judgment on 3 February, after which the President assigned a Court of Appeals Panel composed of Judges Michèle Picard (Presiding), Kai Ambos and Nina Jørgensen. An appeal hearing was held in this case on 26 October 2023.



Mr Mustafa during the appeal hearing, 26 October 2023

The KSC reached a big milestone on 14 December 2023, with the issuance by the Court of Appeals Panel of its judgment in this case. This is the first appeal judgment involving war crimes before the KSC. The Court of Appeals Panel affirmed Mr Mustafa's convictions for arbitrary detention, torture and murder

as war crimes, but granted Mr Mustafa's appeal, in part, against his sentence. To that end, the Court of Appeals Panel reduced Mr Mustafa's sentence from 26 years of imprisonment to 22 years, with credit for time served.

The Court of Appeals Panel emphasised that the judgment *"is a significant step towards providing justice to victims and ensuring accountability,"* and that the reduction of Mr Mustafa's sentence, *"in no way suggests that the crimes for which he has been convicted and sentenced are not grave."*

KSC-CA-2023-02, Summary appeal judgment, 14 December 2023, pp. 1, 21.

Interlocutory appeals

With the extensive progress made in the cases before the KSC, Panels of the Court of Appeals were also been seised with a wide range of appeals in 2023.

They issued decisions on a number of appellate issues, including continued detention, victims' participation, questioning of witnesses and bar table motions.

At this juncture, the Panel considers that, should a denied applicant wish to present new information, which was not known to or in the possession of the applicant at the time of the initial application and warranting a new consideration of their request for admission to the proceedings, they can do so by resubmitting their application for participation through the VPO before a competent panel seised of the case at the relevant time, to be reassessed in light of the new information. While this is not explicitly provided for in the Specialist Chambers' legal framework, the Appeals Panel sees no impediment to this course of action and considers that it would be in the interest of justice and protect the personal interests and rights of victims.

KSC-BC-2020-06/IA026/F00011/RED, Public Redacted Version of Decision on Appeals Against "Fourth Decision on Victims' Participation", 26 April 2023, para. 30.

While a trial panel may not have an obligation to question witnesses or call evidence regarding facts and issues not explored by the parties, the Rules unambiguously vest it with the authority and discretion to do so, in fulfilling its duty to contribute to the determination of the truth.

KSC-BC-2020-06/IA028/F00011/RED, Public Redacted Version of Decision on Thaçi, Selimi and Krasniqi Appeal against Oral Order on Trial Panel Questioning, 4 July 2023, para. 34.

e.

SUPREME COURT PANEL

On 2 and 3 May 2023, Mr Gucati and Mr Haradinaj filed requests for protection of legality, pursuant to Article 48(6) to (8) of the Law and Rule 193 of the Rules. The Supreme Court Panel, composed of Judges Ekaterina Trendafilova (Presiding), Christine van den

Wyngaert and Daniel Fransen, rendered its decision on 18 September 2023, rejecting both requests in their entirety. The Panel found that no substantial violations of the procedure and no violations of the criminal law had occurred.

The Panel recalls that protection of legality, as provided for in Article 48(6) and (7) of the Law and Rules 193 and 194 of the Rules, is an extraordinary remedy. It is not meant to create another general avenue of appeal. Rather, and similar to the Kosovo Criminal Procedure Code, the protection of legality is limited to the specific instances defined in the Law and the Rules.

KSC-SC-2023-01/F00021, Decision on Requests for Protection of Legality, 18 September 2023, para. 9.

f.**SPECIALIST CHAMBER OF THE CONSTITUTIONAL COURT**

The SCCC was seised with two referrals over the course of 2023. The first was filed by Mr Shala on 11 July 2023. Mr Shala argued that the Trial Panel's finding that statements given by him to the Belgian Federal Judicial Police in 2016 were not inadmissible as evidence violated his right to a fair trial and his right to an effective remedy under Articles 31, 32 and 54 of the Kosovo Constitution, and Articles 6 and 13 of the European Convention on Human Rights.

The SCCC denied Mr Shala's referral on 29 August 2023, finding the referral premature, as the criminal proceedings in his case were still ongoing.

The second referral was filed by Mr Haradinaj on 21 November 2023. This referral was pending before the SCCC by the end of 2023.

[...] it falls in the first place to the criminal chambers to assess whether there is any merit to the raised procedural violation and whether this has to be remedied in the course of the ensuing proceedings. This approach reflects the general principle according to which compliance with the requirements of a fair trial must be examined in each case having regard to the development of the proceedings as a whole, and not on the basis of an isolated consideration of one particular aspect or a single procedural incident, save the case that a specific factor, even one impacting the early stages of the proceedings, may be found, after the determination of the charges and the completion of the proceedings by the criminal chambers, to have been so decisive as to automatically render the proceedings as a whole unfair.

KSC-CC-2023-121/F00006, Decision on the Referral of Pjetër Shala to the Constitutional Court Panel Concerning the Violation of Mr Shala's Fundamental Rights Guaranteed by Articles 31, 32, and 54 of the Kosovo Constitution and Articles 6 and 13 of the European Convention on Human Rights, 29 August 2023, para. 27.

g.**PROCEEDINGS BEFORE THE PRESIDENT**

On 12 October 2023, President Trendafilova issued the KSC's first decisions on commutation, modification or alteration of sentences. The President was notified that Mr Gucati and Mr Haradinaj served two-thirds of their sentences on 25 July 2023, rendering them eligible for commutation of their sentence in accordance with Article 51(2) of the Law.

The conditions will remain in place for the duration of the sentence imposed on Mr Gucati by the Court of Appeals Panel, namely until 24 December 2024. In case of a breach of any of the conditions imposed, the decision will be revoked and Mr Gucati incarcerated anew.

The President considered all information before her and, having consulted with the Judges of the sentencing Panel, and after oral hearings with Mr Gucati and Mr Haradinaj separately, decided that Mr Gucati's sentence should be modified to provide for his release to Kosovo with conditions on or before 18 October 2023.

The President decided that Mr Haradinaj's sentence could be modified with conditions if he demonstrates within a certain time period that he respects the regulatory framework of the SC's Detention Facilities. On 12 December 2023, after having received a report from the Registrar on Mr Haradinaj's behaviour at the Detention Facilities, the President decided to modify Mr Haradinaj's sentence to provide for his release to Kosovo with conditions on or around 14 December 2023.

The conditions will remain in place for the duration of the sentence imposed on Mr Haradinaj by the Court of Appeals Panel, namely until 24 December 2024. If Mr Haradinaj breaches any of the conditions imposed, the decision will be revoked and he will again be imprisoned at the Detention Facilities.



President Ekaterina Trendafilova

2

Activities of the President and the Judges

The Judges of the KSC are appointed to a Roster of International Judges (Roster) and exercise their judicial functions as necessary and only at the request of the President. In accordance with Article 26 of the Law, the Judges appointed to the Roster do not receive remuneration or other benefits by virtue of this appointment. Moreover, Judges are only remunerated if they are assigned by the President to exercise official functions. Once assigned, and insofar as possible, the Judges perform their duties remotely.

In July 2023, a Call for Nomination of Judges to a reserve list for the Roster was published to ensure the continued and uninterrupted efficient operations of the KSC. The call will close on 15 March 2024. Any appointment to the Roster will only be effectuated where the number of Judges from the Roster appears insufficient. The reserve list for the Roster is intended to ensure that in case of future resignations of Judges, they can be immediately replaced, thereby preventing any delays in the proceedings.

a.

ANNUAL PLENARY

On 24 March 2023, the Judges gathered for their eighth plenary at the KSC. During the plenary, the Judges adopted an amendment to the Code of Judicial Ethics for Judges appointed to the Roster of International Judges of the Kosovo Specialist Chambers (Code of Judicial Ethics), which was adopted during their first plenary in March 2017.

The amendment aligns the Code of Judicial Ethics with the KSC's Anti-Harassment Policy, which was adopted in December 2022.

With this amendment to the Code of Judicial Ethics, which already prohibits any form of discrimination, harassment, including sexual harassment, and abuse of authority, the Judges intended to further solidify their commitment to accountability and demonstrate their intent to be bound by the important principles applicable to all categories of persons working at the KSC.

The Judges also heard presentations from the Registrar and Registry Heads of Units.

b.

GATHERING OF THE JUDGES

On 22 September 2023, the Judges gathered in The Hague for a colloquium, during which distinguished speakers presented and discussed with the Judges matters relevant to the field of international criminal justice.



Judges' colloquium, 22 September 2023



The Judges of the Kosovo Specialist Chambers

Judges on the Roster of International Judges



Judge Ekaterina Trendafilova
President
(Bulgaria)



Judge Charles L. Smith III
Vice-President
(United States of America)



Judge Vidar Stensland
Constitutional Judge
(Norway)



Judge Antonio Balsamo
Constitutional Judge
(Italy)



Judge Roumen Nenkov
Constitutional Judge
(Bulgaria)



Judge Romina Incutti
Reserve Constitutional Judge
(Italy)



Judge Christine van den Wyngaert
(Belgium)



Judge Michèle Picard
(France)



Judge Thomas Laker
(Germany)



Judge Emilio Gatti
(Italy)



Judge Roland Dekkers
(Netherlands)



Judge Kai Ambos
(Germany)



Judge Kenneth Roberts
(Canada)



Judge Mappie Veldt-Foglia
(Netherlands)



Judge Christoph Barthe
(Germany)



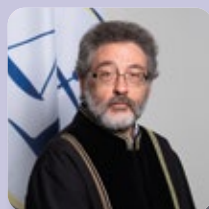
Judge Vladimir Mikula
(Czechia)



Judge Guénaél Mettraux
(Switzerland)



Judge Nicolas Guillou
(France)



Judge Gilbert Bitti
(France)



Judge Daniel Franses
(Belgium)



Judge Fergal Gaynor
(Ireland)



Judge Nina Jørgensen
(Norway)

3

External activities

Over the course of 2023, President Trendafilova kept members of the public as well as stakeholders abreast of the KSC's activities. To this end, the President met representatives of EU institutions, EU Member States, Third Contributing States, the Host State and Kosovo.

On 18 January 2023, President Trendafilova met with the Chair of the Political and Security Committee, Ms Delphine Pronk, to discuss matters relevant to the KSC, including the conclusion of bilateral enforcement agreements.

On 17 May 2023, the President travelled to Brussels, where she had meetings with the Managing Director for Europe and Central Asia at the European External Action Service, Ms Angelina Eichhorst, the Civilian Operations Commander, Mr Stefano Tomat, and members of the Committee for Civilian Aspects of Crisis Management, to discuss matters of importance to the KSC.

On 14 September 2023, the President travelled to Brussels, where she again met with the Chair of the PSC, Ms Pronk, and the Civilian Operations Commander, Mr Stefano Tomat. The President discussed the ongoing judicial proceedings and some of the challenges faced by the court.

The President visited Kosovo from 28 November to 1 December 2023. During her visit, she hosted an outreach event for civil society and media and she met with law students. She also met with the Kosovo Deputy Minister of Justice, Blerim Sallahu, and various members of the international community, including the Ambassadors to Kosovo of the EU Member States and Third Contributing States, the Head of the EU Office in Kosovo and EU Special Representative and the Head of the EU Rule of Law Mission in Kosovo.

To further strengthen the KSC's relationship with other external stakeholders and with civil society, the President conducted meetings with members of the diplomatic, legal and academic communities.

It often takes enormous courage and a sense of public duty for people to come forward and agree to tell their story, to testify before the KSC. In so doing, they contribute to justice and the rule of law.

Even the best judgment cannot be taken at the expense of the life and well-being of people.

Therefore, witness protection is of the highest priority to the KSC.

President Trendafilova, interviews to Kosovo and Albanian outlets

EXTERNAL RELATIONS

External relations

With the significant increase in judicial activities, the President and the Registrar have continued to take a prominent role in explaining to the public in Kosovo and the region how the court works to ensure fair, secure and effective judicial proceedings in line with its mandate and the highest international criminal justice standards.

20 January 2023, H.E. Christina Kokkinakis, Deputy Managing Director Global and Director for Values and Multilateral relations, European External Action Service, visited the court and met with the President, the Registrar and the Acting Specialist Prosecutor.

On 30 January 2023, the President, the Registrar and the Acting Specialist Prosecutor welcomed the European Union (EU) Political and Security Committee to the premises, and provided an overview of the judicial activities at the KSC and the Specialist Prosecutor's Office (SPO), discussed the various important milestones reached and touched on some of the challenges faced by the court.

Between 15 and 16 March 2023, the President, the Registrar and the Acting Specialist Prosecutor welcomed a delegation from the EU Foreign Policy Instruments and the Civilian Planning and Conduct Capability to the premises.

From 3 to 6 April 2023, the KSC's Court Information Network (CIN) visited the KSC in The Hague. During these days, they followed the opening statements in the *Thaçi et al.* proceedings and participated in a one-day workshop. The President, the Registrar and the Acting Specialist Prosecutor also met with the CIN members, during which they provided a brief overview of the ongoing work at the court and received feedback from the CIN members on the KSC's outreach activities.

On 12 July 2023, the Principals welcomed the Head of the EU Rule of Law Mission in Kosovo (EULEX) and Appointing Authority, Major General Giovanni Pietro Barbano, to the court, during which they spoke about the ongoing judicial activities of the KSC and the SPO and the support provided by EULEX in this respect.



EU Political and Security Committee visit to the KSC and the SPO, 30 January 2023

In the week of 17 July 2023, the President and Registrar had several bilateral meetings with States and representatives of the United Nations (UN) in New York to provide information about the KSC's mandate, the various milestones it has reached and the challenges faced by the court. They visited New York again during the week of 27 October 2023 to brief EU Delegations and other States, hosted by the EU, on the court and its achievements.

On 21 September 2023, the President, the Registrar and the Acting Deputy Specialist Prosecutor welcomed a delegation from the EU External Action Service and the Core Group for the tribunal for the crime of aggression against Ukraine to the court and provided them with an overview of the mandate and work of the KSC and the SPO.

On 27 September 2023, the EU Working Party on the Western Balkans Region visited the KSC and the SPO, where they attended presentations by the Principals, were given an opportunity to pose questions, and were provided a tour of the courtroom and the public gallery.

On 8 December 2023, the Principals updated EU Member States and Third Contributing States based in The Hague on the work of the KSC and the SPO during their annual briefing.

The President and the Registrar further met with members of the diplomatic, international, and national authorities, including the US Ambassador at Large for Global Criminal Justice, H.E Beth Van Schaack, H.E. James Browne, Minister of State at the Irish Department of Justice, a delegation from the Special Criminal Court of the Central African Republic, a delegation of Judges from Italy, a delegation of Judges from France, a delegation of Judges from the Dutch military, a delegation of Judges from Ukraine and a delegation of Judges from Jordan.



President Ekaterina Trendafilova and Registrar Fidelma Donlon during a visit of the EU Working Party on the Western Balkans Region

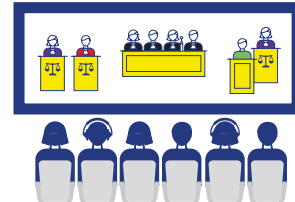
KOSOVO SPECIALIST CHAMBERS HIGHLIGHTS 2023



BY THE END OF 2023, PROCEEDINGS UNDERWAY IN **5 CASES** INVOLVING **8 ACCUSED AND 1 SUSPECT**



APPEAL JUDGMENTS IN **2 CASES**



137 PUBLIC HEARINGS HELD AND STREAMED ONLINE IN THE **3 LANGUAGES** OF THE COURT



130,000 VIEWS OF STREAMING PAGE



60 WITNESSES TESTIFIED IN **TWO CASES**



OVER **1,300 DECISIONS AND ORDERS** RENDERED BY THE PANELS



892 DOCUMENTS COMPRISING **OVER 10,000** PAGES TRANSLATED IN 2023



88 ADDITIONAL VICTIMS ADMITTED TO PARTICIPATE IN **TWO OF THE CASES**



APPROXIMATELY **1000 PEOPLE** IN KOSOVO PARTICIPATED IN OUTREACH EVENTS

REGISTRY

Registry

The Registry provides administrative services to the Kosovo Specialist Chambers (KSC) and the Specialist Prosecutor's Office (SPO) as well as a wide range of judicial support services in a neutral and independent manner. It is managed by the Registrar, Dr Fidelma Donlon, who consults with the President and the Specialist Prosecutor on institutional matters.

The administrative services provided by the Registry to both Chambers and the SPO include budget, financing, procurement, information technology, facility management, human resources and security. The judicial support functions include protection and support for witnesses, administration of the Lists of Counsel, provision of legal aid and the victims' participation process, translation and interpretation services, court management and management of the KSC Detention Facilities.

In 2023, many judicial milestones were reached and the Registry staff, under the Registrar's leadership, continued to provide the highest quality of services in support of the efficient administrative management of the KSC and the SPO as well as the fair, safe and efficient proceedings before the court. This work included the execution of three custodial visits of detainees to Kosovo on humanitarian grounds pursuant to orders of the relevant Panels, the safe and secure transfer of three more accused and one suspect to the KSC Detention Facilities and the transfer of two convicted persons to Kosovo following the President's modification of their sentences. With the commencement of additional trials, outreach work remained a priority as well as engagement with the KSC Court Information Network.

The main source of funding for the KSC and the SPO is the European Union (EU). The Registrar signs the grant agreement on behalf of the KSC and the SPO. The KSC outreach activities in Kosovo are financed by a two-year grant from Switzerland.

Sound financial management is pivotal for the KSC and the SPO. The Registrar ensures that the budget resources are used accordingly and that internal and external audit processes are conducted. By the end of 2023, the KSC and SPO had undergone 18 external audits with no findings.



Registrar Fidelma Donlon

Following further intensified activities at the court, optimising human resources was pivotal. The increased number of posts negotiated by the Registrar in 2023 allowed for the recruitment of staff necessary for the expeditious management of proceedings.

The Registrar together with the other Principals, welcomed visits of EU Member States and Third Contributing States to the premises and also met their representatives during her missions. During these meetings, she continued to call on States to conclude bilateral cooperation agreements in the field of enforcement of sentences and witness protection, both pivotal for the success of the court.

Towards the end of the year, pursuant to a 1 December decision by Trial Panel II in the *Thaçi et al.* case, the Registrar implemented modifications to the conditions of detention for three of the accused. These conditions included a system of prior approval by the Registrar of visits and active monitoring of in-person visits, except with Counsel, as well as a system to identify and refuse visits and telephone calls with persons in respect of whom the Registrar assessed there were credible indications of conduct that could risk the integrity of proceedings or the compliance with the Detention Rules.

Registry staff further remained engaged with the advancement of the strategic priorities set by the Registrar in 2021 in relation to records and evidence management.

Regarding the electronic court management system, the work to ensure sufficient capacity enhancement given the increased number of trials before the KSC continued while a complete upgrade of the system was prepared, including detailed testing of a new version and platform. With this upgrade the system is projected not to require any further updates. By the end of 2023, 2,794 decisions and filings were managed in the system and a total of 11,682 disclosure items totaling 144 GB. As to the retention and archiving project, all KSC information assets, both those in physical as well as digital form, were analysed to ensure completeness of the Information Asset Register.

Over 23 TB and 226 metres of information assets were analysed providing valuable information to assess the required capacity of a future long-term archive.

The Registry cooperation with the Host State remained close throughout 2023. Through cooperation agreements and the Host State Agreement, Host State agencies provide essential services, including detention officers, transfer of detainees, visa facilitation for persons necessary for the court as well as service in the field of security and threat assessments. The KSC continued to enjoy important support provided by the European Union Rule of Law Mission in Kosovo for its operations in Kosovo.

1

Immediate Office of the Registrar

The KSC Registrar is supported in her work by her Immediate Office (IOR). The Office encompasses a variety of functions such as legal and non-legal support related to the judicial proceedings and court administration, Host State and diplomatic relations, public relations and outreach, regular reporting to the EU and management of protocol services. Information Governance (InfoGov) is also part of the IOR responsibilities.

In 2023, the IOR legal team provided legal advice on a multitude of matters, including requesting cooperation and assistance from States in matters ranging from extradition to facilitating witness testimony via video-conference. The legal team also focused on establishing the legal framework for a reparations fund, advising on detention and operational matters, and providing legal support in the areas of human resources, data protection, procurement and commercial contracts, and overall good administration. Together with the Human Resources Unit, the legal team provided policy briefings on the Anti-Harassment Policy to all staff members and ensured the full implementation of the procedures in the policy. The legal team also managed 262 submissions on behalf of the Registrar in judicial proceedings before the KSC on

topics such as victims' participation, witness protection, detention, custodial visits and conditional release.

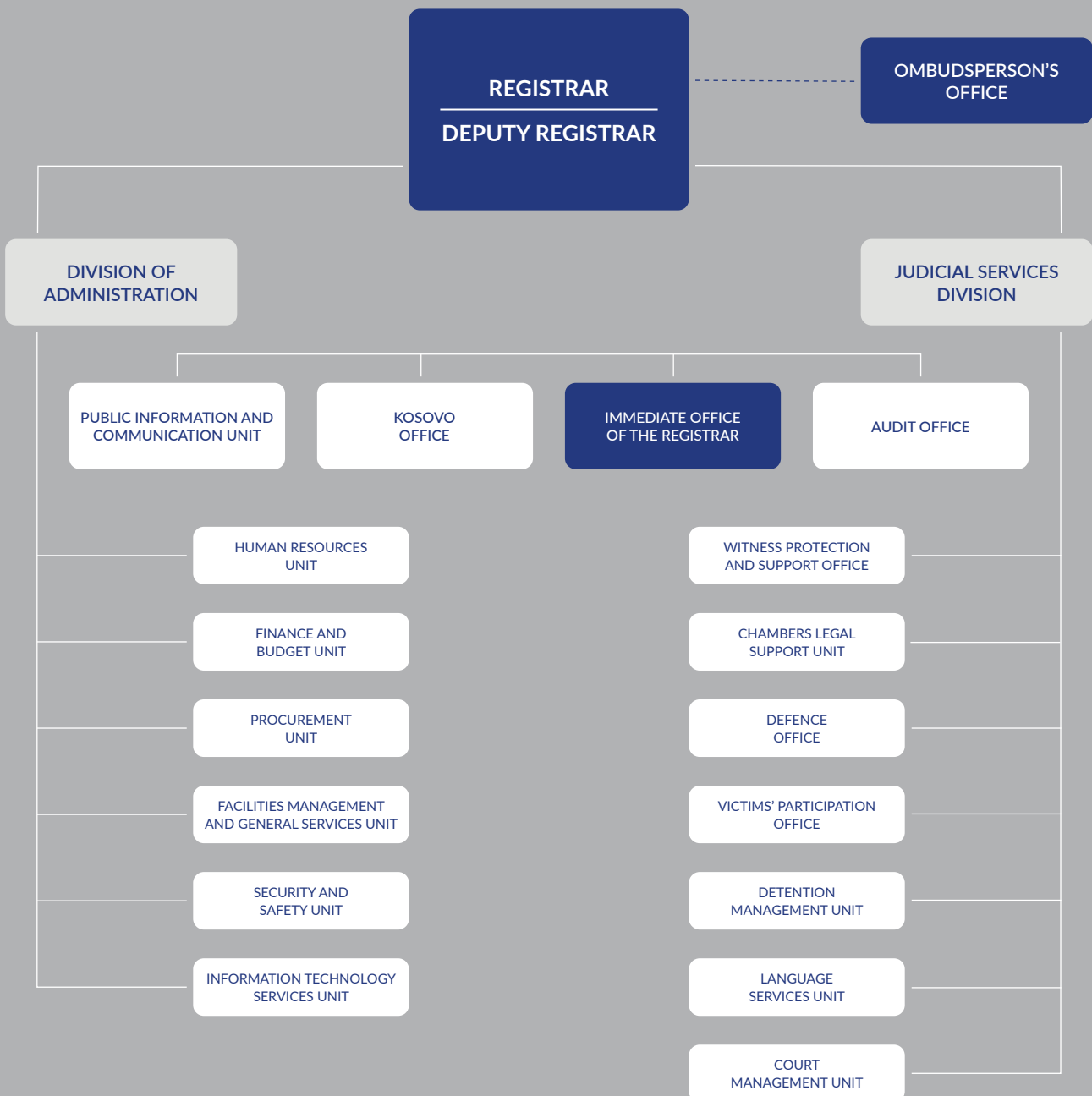
The IOR continued to support the Registrar in her outreach work in particular in seeking State cooperation to conclude cooperation agreements in regards to the enforcement of sentences and to witness protection.

The support related to protocol focused on cooperation with the Host State to facilitate the entry to the Netherlands for family members visiting detainees as well as on providing internal protocol arrangements.

Furthermore, the IOR led the dedicated working groups for the further enhancement of the electronic court management system Legal Workflow and for retention and archiving set up by the Registrar. In regards to the latter, InfoGov carried out in 2023 a detailed mapping of the KSC's physical and electronic assets in order to verify the integrity of the KSC Information Asset Register. The analysis also provided valuable information to the working group and the information asset custodians on how much material may be subject to permanent archiving.

InfoGov also provided advice and support on policy development for effective information security management and integrating industry best practices and standards at the KSC. In 2023, a thorough business impact assessment was conducted to evaluate the potential impacts of information security events on the KSC. As a result, the KSC information security risk management was updated and projects launched to further enhance cyber and information security across the court.

In addition, InfoGov took steps to further raise the in-house awareness about cyber and information security, including by making use of the European External Action Service information security training platform. InfoGov also provided library services and research support to a variety of stakeholders related to the KSC. The number of requests for books, articles and other research material increased in 2023. In total, 237 requests were answered through the KSC’s internal collection, its cooperation with the Peace Palace library and its institutional network.



2

Public Information and Communication Unit

During 2023, the interest and attention of the public, both in Kosovo and elsewhere, towards the KSC proceedings increased with the significant judicial milestones reached. The first KSC appeal judgement in February, the opening of the Pjetër Shala trial that same month, the commencement of the Hashim Thaçi et al. trial in April, and requests for protection of legality before the Supreme Court Chamber in May, required the Public Information and Communication Unit (PICU) to find additional innovative ways to make complex judicial proceedings easily understandable for the wider public. An active schedule of courtroom hearings, as well as operational developments such as the arrest of a suspect in Albania and subsequent extradition proceedings and four additional arrests and transfers to the KSC Detention Facilities, generated daily media reporting and many new issues requiring explanation and engagement with the public.

In response to the increase in judicial activities, the KSC intensified its work with the media using its website and social media channels to disseminate timely and relevant information materials to the public. Through weekly press briefings, and specifically tailored roundtables and workshops with Kosovo journalists, PICU sought to provide journalists that follow the KSC's proceedings with important information and training for their reporting.

Through the KSC Outreach programme, financed by Switzerland, the PICU team met with different communities all over Kosovo once a month during 2023. In addition, four video clips produced in 2022 and 2023 were widely broadcast on all main television stations in Kosovo, providing answers to frequently asked questions.

Following the post-pandemic resumption of in-person visits to the KSC premises in 2022, the court saw a significant increase in such visits in 2023. Students, judges, lawyers and others were welcomed to the premises and provided with an overview of the mandate and proceedings before the court. Throughout the year, the KSC welcomed 53 groups including from a number of universities in Europe and the United States.



Outreach event in Koretishtë, Kosovo, October 2023

2.1 Media Relations

The opening statements in the *Thaçi et al.* trial, between 3 and 5 April 2023, marked a significant increase in media interest in the KSC. Over 50 journalists from 31 media outlets followed the opening statements at the KSC premises. These included seven media outlets from Kosovo, eight from the region, and 13 international news outlets, including the BBC, ARD, Associated Press, Agence France Press and Reuters.

During 2023, the KSC continued to hold weekly press briefings that journalists could join online or in-person to receive updates on the latest developments at the court and ask questions. Simultaneously, PICU met with news editors in Kosovo to hear how it could support journalists covering the court's proceedings, and as a result organised specifically tailored journalist roundtables in response to the needs articulated by Kosovo news outlet representatives.

In May 2023, the KSC organised a two-day training for 20 Kosovo journalists in The Hague. The training focused on neutral and objective trial reporting while also providing participating journalists the opportunity to familiarise themselves with the KSC premises.



KSC Spokesperson Angela Griep during an interview with Radio Television of Kosovo, April 2023



KSC Spokesperson Michael Doyle during an interview with Radio Free Europe, April 2023

The training was provided by two international journalists who shared their significant knowledge and experience in reporting on war crimes trials, including their experiences reporting on proceedings before the International Criminal Tribunal for the former Yugoslavia and before the International Criminal Court.

The KSC spokespersons continued to respond to media queries within 24 hours of the question posed. In 2023, over 250 media queries, primarily from Kosovo journalists, were received and answered. KSC Spokespersons and other senior representatives gave 16 interviews to Kosovo and regional media. The President gave two interviews during the year.



Visit of Italian judges and lawyers to the KSC, July 2023

2.2 Outreach

Outreach events with young people, high school and university students, legal practitioners, journalists, civil society representatives and other citizens all over Kosovo continued through 2023 thanks to the generous support of Switzerland. The outreach team met monthly with several groups to explain courtroom proceedings, clarify and correct misunderstandings and misinformation and to respond to questions and listen to concerns expressed. An area of focus in 2023 was meetings with high school and university students, who were particularly engaged in asking questions and sharing their opinions.

Since 2018, the KSC outreach team has conducted 156 outreach events, reaching 3,500 people directly. In 2023, the team held 23 outreach meetings with a total of 485 participants in Dobratin/Dobrotin; Gjakovë/Đakovica; Gjilan/Gnjilane; Gorazhdevc/Goraždevac; Gračanica/Gračanica; Koretishtë/Koretište; Mitrovicë/Mitrovica; Prishtinë/ Prishtina; Prizren; Vërboc/Vrbovac. Of these, three meetings were held online.

During outreach meetings, court representatives explained the mandate and establishment of the court and provided information on the cases. Events were tailored to provide the most relevant information to a given audience and to engage participants in an open dialogue and discussion. Based on the most frequently asked questions during such meetings, explanatory video clips were published on the KSC YouTube channel as well as broadcast on Kosovo television stations. By the end of 2023, the KSC had produced 14 video clips which were broadcast in Albanian and Serbian over 1,100 times on 11 different Kosovo TV channels and viewed thousands of times on the KSC YouTube channel.

The KSC Principals are committed to the Outreach programme. To that end, the President traveled to Kosovo in November 2023. During her visit, she held outreach meetings with journalists and civil society and with university students. She gave two media interviews and she met with members of the Court Information Network (CIN) in Pristina to receive feedback and discuss future outreach activities.



President Trendafilova at an outreach event in Pristina, Kosovo, November 2023

2.3 Cooperation with Civil Society and the Court Information Network

The CIN is a group of NGOs from Kosovo and Serbia whom the KSC has consulted regularly since 2017 for feedback and advice on the court's outreach work, including how to best reach different audiences and communities and convey useful and understandable information about complex proceedings to non-legal audiences.



Registrar meeting with the Court Information Network,
April 2023

In April 2023, CIN representatives visited The Hague to follow the opening statements in the *Thaçi et al.* case, to meet with the President and the Registrar and to engage with PICU to discuss how the Outreach programme could be adapted given the developments in the proceedings before the KSC. Furthermore, feedback was received on new key messages and the latest outreach video clips produced.

PICU met with the CIN twice following the April meeting, once online and once in Pristina.



President Trendafilova meeting with the Court Information Network, April 2023

2.4 KSC Online

The KSC website offers a wealth of information for anybody wanting to learn about the institution. This website includes detailed information about the cases, a live update that provides the latest developments in proceedings as well as factsheets, infographics and reports about the KSC. In addition, the website provides the possibility to follow the public hearings in the three languages of the court, Albanian, Serbian and English.

During 2023, the streaming page was the most popular page on the KSC website attracting a total of 130,000 views which is triple compared to 2022. The streaming of the opening statements in the *Thaçi et al.* case alone attracted over 30,000 views. Furthermore, all public decisions and filings are available in the Public Court Records database on the KSC website, enabling people all over the world to follow proceedings closely. Overall, visits to the KSC website increased by 32% reaching a record number of 950,000 views in 2023.

Informative videos on the mandate, work and proceedings of the KSC as well as on frequently asked questions are available on the KSC's YouTube channel. In addition, the recordings of public hearings are published on that channel. During 2023, the KSC YouTube channel was viewed 43,000 times totaling 3,000 hours. The most watched video was the first day of opening statements in the *Thaçi et al.* case.

In preparation for the commencement of trial in the *Thaçi et al.* case, the KSC established Twitter (now X) accounts in the three languages of the court. Through these accounts, the court provides regular updates on the proceedings and information about its mandate. By the end of 2023, the X accounts had over 780 followers. The KSC opened an Instagram account in November 2023 through which it disseminates information about the court, the proceedings and shares updates on the Outreach programme. By the end of the year, the KSC Instagram account had 115 followers.



Kosovo Specialist Chambers & Specialist Prosecutor's Office

The Kosovo Specialist Chambers and Specialist Prosecutor's Office were established pursuant to an international agreement ratified by the Kosovo Assembly, a Constitutional Amendment and the Law on Kosovo Specialist Chambers and Specialist Prosecutor's Office. They are of temporary nature with a specific mandate and jurisdiction over crimes against humanity, war crimes and other crimes under Kosovo law, which were committed or committed in Kosovo between 1 January 1998 and 31 December 2000 by or against citizens of Kosovo or the Federal Republic of Yugoslavia.

The Kosovo Specialist Chambers and the Specialist Prosecutor's Office have a seal in The Hague, the Netherlands. Their staff is international, as are the Judges, the Specialist Prosecutor and the Registrar.



Public court records
[Access the database](#)

Streaming
[Streaming site](#)

NEWS
Specialist Prosecutor welcomes Mustafa appeal verdict as "victory for justice"
Specialist Prosecutor Kimberly Wood welcomed today's judgment in the appeal of Salih Mustafa, who
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LIVE UPDATE
Kila's (second) appeal against continued detention denied
On 26 February, the Court of Appeals Panel denied the appeal by her lawyer against the latest Single Judge's decision...
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VICTIMS' PARTICIPATION
Victims' coun...
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MUSTAFA: VIDEO OF APPEAL JUDGMENT
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KSC OUTREACH
FAQ 1 - Jurisd...
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OMBUDSPERSON
The Ombudsp...
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VISITS
The Kosovo Specialist Chambers offers visitors and journalists the possibility to attend public hearings from the gallery of the courtroom. Accredited journalists may also use the media room to work during breaks in closed sessions.
[Read More](#)

The Ombudsperson of the KSC acts independently to monitor, defend and protect the fundamental rights and freedoms of persons interacting with the KSC and the SPO. The establishment of the Office of the Ombudsperson within the structure of the KSC and the SPO is distinctive in that it provides an additional layer of human rights protection for any individuals interfacing with the KSC and the SPO.

The KSC Ombudsperson, Mr Pietro Spera, an Italian Judge, was appointed in May 2018. The KSC Ombudsperson's mandate and official functions are detailed in Amendment No. 24 to the Kosovo Constitution, in the Law on Specialist Chambers and Specialist Prosecutor's Office (Law) and in the Rules of Procedure and Evidence before the of the KSC (Rules), including the Rules of Procedure for the Specialist Chamber of the Constitutional Court.

In 2023, seven complaints were lodged with the Ombudsperson's Office. Of these complaints, two have been finalised, three were withdrawn by the complainant and two remain under consideration pending further information requested by the Ombudsperson from the complainants.

Of the two cases finalised, one was rejected by the Ombudsperson based on the fact that neither the KSC nor the SPO had interacted with the complainant and the complainant had not made any claim against either. The institutions which were the subject of the complainant were outside the jurisdiction of the Ombudsperson's office. The second complaint was rejected by the Ombudsperson based on the fact that the complainant had not exhausted all the remedies which were available to him. The complainants were notified of the outcome of their complaint and were provided with the full reasoning of the Ombudsperson's decision.

Since its establishment, the Ombudsperson has received a total of 29 complaints, 27 of which are finalised.

In 2023, the Ombudsperson concluded two inquiries into the pending complaints lodged in 2022. Versions of the final reports of the Ombudsperson's findings are available on the KSC website.

In the first case (CASE-2022-02), the complaint, submitted by four individuals who are charged before the KSC, contained eight separate grounds. Firstly, they alleged that the KSC continues to disregard the Kosovo Constitution and the laws. Additionally, they alleged a lack of oversight and accountability by the Judicial Council of Kosovo over the KSC and that the relocation of the KSC to a third country was in breach of their fundamental rights. Furthermore, the complainants alleged that significant delays in the legal proceedings, as well as alleged failures in the SPO's disclosure obligations violated their fundamental rights. The complainants further alleged a violation of their fundamental rights due to excessive redactions in materials provided by the SPO. Moreover, they were concerned that the Pre-Trial Judge made no decision regarding the length of trial proceedings. Finally, the complainants alleged the KSC violated the Law by not having a judicial seat in Kosovo. The Ombudsperson dismissed the first, fifth, sixth and seventh strands of the complaint as these were issues directly related to ongoing judicial proceedings. In respect of the remaining grounds of the complaint, the Ombudsperson rejected the complainants as they failed to demonstrate a violation of human rights by the KSC.

In the second case (CASE-2022-04), the complainant alleged that, during his SPO interview, the interviewing Prosecutors repeatedly used the term "Kosova Metohia" in reference to Kosovo. The complainant alleged that the use of this term during his interview was offensive and insulting and was in violation of the Kosovo Constitution. Having examined the complaint, the Ombudsperson was satisfied that the actions of the SPO were inadvertent and isolated and that measures were put in place by the SPO to address the issue. The Ombudsperson acknowledged that the use of the term in question was offensive to the complainant. However, the Ombudsperson rejected the complaint as it did not demonstrate that the SPO violated the complainant's human rights.

In 2023, the Ombudsperson published a summary of all complaints he received on the KSC website. In addition to these summaries, the Ombudsperson has published online, in full, a report in relation to all complaints received which related to either the KSC or the SPO.

As part of his monitoring function, the Ombudsperson continued constructive engagement with the KSC and the SPO throughout the year with the aim of ensuring strict compliance with the highest human rights standards. In particular, the Ombudsperson continued his engagement with the Registry and Detention Management Unit in respect of the KSC Detention Facilities.

During 2023, the Ombudsperson carried out one in-person inspection of the KSC Detention Facilities in order to ensure full compliance with human rights, international law and standards. The inspection was carried out in June. During this inspection, the Ombudsperson invited each detainee to engage individually and in private with him. Following the inspection, the Ombudsperson was satisfied that the conditions of detention at the KSC Detention Facilities continue to be fully in compliance with human rights, international law and standards. In October, the Ombudsperson had a remote meeting with one of the detainees following a request he received from the detainee.



Ombudsperson Pietro Spera

The Ombudsperson's Office continued to engage in its Outreach programme throughout 2023. With the assistance of the Public Information and Communications Unit of the Registry, the Ombudsperson's Office has taken part in three in-person outreach activities with civil society in the region.

In any case, remedies were and still are available to the complainants to consider the specific claim of a violation of their fundamental rights, set out above, such as the KSC-CC. In regard to a right to an effective remedy, it should be noted that the word "remedy", in the context of Article 13 of the European Convention on Human Rights ('ECHR') does not mean a remedy bound to succeed, but simply an accessible remedy before an authority competent to examine the merits of a complaint. Article 13 guarantees the availability of a remedy but not a successful outcome. Feeble prospects of success in the light of the particular circumstances of the case do not detract from the "effectiveness" of a remedy for the purposes of Article 13.

Summary of one of the findings of the Ombudsperson following his examination of a complaint (Case 2022-02) issued on 20 February 2023.

4

Judicial Services Division

The Judicial Services Division provided legal and operational support to the court and the parties to proceedings through the Court Management Unit, the Language Services Unit, the Defence Office, the Victims' Participation Office, the Witness Protection and Support Office and the Detention Management Unit.

In 2023, the KSC reached milestones with the pronouncement of the first two appeal judgments and the commencement of two cases at the trial level. During the reporting period, the number of detainees

at the KSC Detention Facilities reached eleven following the arrest and transfer of four more persons. With the transfer of two convicted persons to Kosovo, ten persons were detained at the Detention Facilities at the end of 2023.

The various units of the Judicial Services Division are involved at all stages of the judicial process, including support to witnesses, ensuring representation for victims participating in proceedings and continued provision of safe and secure detention for the detainees at the KSC Detention Facilities.

4.1 Court Management Unit

The Court Management Unit (CMU) as the custodian of the KSC case records, manages the processing and distribution of all records filed through the KSC's electronic court management system Legal Workflow and has other responsibilities related to court operations, including the production of transcripts of hearings through the electronic system Transcend. CMU also manages a dedicated physical repository of exhibits.

In 2023, 137 court hearings were held. CMU processed and distributed a total of 727 transcripts of the hearings in the three official languages of the court. Of these, 321 were public and published in the Public Court Record database available on the KSC website. During the course of 2023, CMU received, processed and distributed a total of 2,794 filings with 1,451 annexes, totalling over 73,000 pages.

A total of 1,402 public filings and annexes were made available in the Public Court Record database. Additionally, 169 filings were reprocessed and redistributed following the issuance of orders by Panels to reclassify them as public. In total, over 5,000 translation requests were processed through the system and over 11,000 items have been disclosed between the parties totalling 144 GB.

The Legal Workflow system continued to be further enhanced in order to provide the necessary technological tools to facilitate the needs of parties and to increase performance and system reliability given the intensified use of the system. By the end of 2023, there were 347 system users in total of which 100 were new users that were provided with basic and advanced training on the use of Legal Workflow. Furthermore, the Unit supported 272 users of the transcript software Transcend that facilitates the presentation of real-time verbatim text of the proceedings.

In 2023, CMU has processed over 73,000 pages of filings through the bespoke electronic court management system.

4.2 Language Services Unit

In 2023, LSU continued to deliver interpretation and translation services both at the seat of the KSC and during missions.

During the year, LSU produced over 10,300 pages of translations into the three official KSC languages – Albanian, Serbian and English – as well as into other languages required to facilitate smooth and efficient operations and external communications of the court. Besides having translated numerous filings, LSU also provided translations of weekly press briefings, press releases and other outreach materials, Practice Directions, Ombudsperson’s reports, victims’ applications and correspondence with external parties. Among LSU’s most notable achievements were the translations of the trial judgment and the appeal judgment delivered in the Gucati and Haradinaj case, as well as the judgment and the reparation order in the Mustafa case.

In 2023, LSU provided simultaneous interpretation during 137 court hearings in various stages of the proceedings, including pre-trial, trial and appeals. The Unit also provided simultaneous interpretation for 46 weekly press briefings as well as simultaneous and consecutive interpretation at meetings held at the seat of the KSC and during missions abroad. In addition, it supported ad hoc requests for interpretation, translation and language assistance.

Building on the extensive market research conducted in 2021 and 2022, which identified potential candidates who could assist in meeting the growing demand for interpretation and translation services, LSU continued its efforts in terms of recruitment and training of such candidates. This reflects the KSC’s commitment to continuous improvement and contributes towards the cadre of qualified language professionals in the field.

Furthermore, LSU interpreters received a five-day training for interpretation trainers, provided by the European Commission, and are thus able, when not interpreting, to train other KSC Albanian-speaking staff in fundamental consecutive and liaison interpreting skills. LSU staff have also assisted the European Union Accreditation testing for Albanian interpreters.



LSU translated over 890 documents into the official languages of the court and others as required over the course of 2023.

4.3 Defence Office

The Defence Office (DO) administers a system of legal aid for representation of indigent or partially indigent suspects and accused in line with ensuring compliance with fair trial principles.

The KSC system of legal aid is available for suspects and accused who demonstrate that they cannot afford to pay for their legal representation and who do not receive legal aid through other means. Since November 2021, none of the accused before the KSC receive legal aid as they have chosen to receive funds from the Kosovo government for this purpose.

As part of the task of ensuring legal representation, DO administers, together with the Victims' Participation Office a List of Counsel eligible to practice before the KSC. At the end of 2023, the list contained 238 Counsel. Of these, 124 were listed as Specialist Counsel, 29 as Victims' Counsel and 85 eligible to represent both accused and victims. The application process for admission to the List remains open.

As a Unit of the Registry, DO is neutral and has no role in the actual conduct of cases before the KSC. It is the focal point for any issues, questions and matters of an administrative nature that the Defence teams may encounter.

By the end of the year, there were 12 Defence teams, with a combined staff of 131 persons, including 12 Specialist Counsel. The Unit provided guidance to Defence teams on a range of topics, including admissions of team members in line with the Directive on Counsel, registration with the Dutch Ministry of Foreign Affairs, access to office space, transitioning into the KSC IT-systems and access to the Legal Workflow system. In this regard, DO liaises with the relevant Registry units and ensures that Specialist Counsel and their team members have full access to all of the services provided for them by the KSC.

The Unit facilitate the communications between Defence teams and States, international organisations and other institutions with regards to their investigative requests. In 2023, 19 such facilitations were supported. DO also ensures that Duty Counsel services are available when needed during legal proceedings.

While the KSC provides for legal aid for indigent suspects and accused, none of the detained by the KSC have requested such.



4.4 Victims' Participation Office

The Victims' Participation Office (VPO) administers the system of victims' participation at the KSC by assisting applicants who wish to participate in the proceedings as victims, processing their applications securely and confidentially, and submitting them to the relevant Panel that decide thereon.

Once victims are admitted to participate in proceedings before the KSC, VPO ensures their proper representation. For this purpose, VPO maintains a List of Counsel, which, by the end of 2023, contained 114 lawyers who were qualified to represent victims in the proceedings before the KSC. VPO also administers a system of payment of legal representation of participating victims.

Victims who participate in proceedings have certain rights, including the right to notification, acknowledgement and reparation. They exercise these rights through Victims' Counsel, assigned to a group of victims in each case. Victims' Counsel may be present at court hearings, make written and oral submission while keeping the victims informed throughout the proceedings about developments affecting their rights and interests. Victims' Counsel will seek victims' views, hear their concerns and bring these to the attention of the Judges.

VPO has received 316 applications and submitted 21 reports to the relevant Panels. During 2023, with the commencement of trial in the Thaçi et al. case, there was a significant increase in the number of participating victims. In total, 157 applicants have been granted the status of participating victims across three cases before the KSC since 2020.

Eight persons have been granted the status of participating victim in the case against Mr Shala, eight in the case against Mr Mustafa and 141 in the case against Mr Thaçi et al. With the advancement of the trials, the respective deadlines for applications have expired.

Furthermore, 120 applicants have been denied participating victim status in the Thaçi et al. case on the grounds of being geographically, temporally or materially out of the scope of the Indictment. VPO ensured that the denied applicants received legal advice and representation as regards to possible appeal. As a result, four appeals were filed, which were all denied.

Finally, in the case against Mr Mustafa, the Trial Panel issued a reparation order following the trial judgment. It was the first such order before the KSC. In the order, the Panel found individual monetary compensation to be the most appropriate modality of reparation for the eight participating victims and ordered Mr Mustafa to pay the sum of EUR 207,000 as compensation for the harm inflicted. However, the Panel also noted that Mr Mustafa currently does not have the means to fully comply with the order. Therefore, the Panel emphasised that other actors ought to step in to execute the order, especially Kosovo. In this regard, the Panel indicated that Kosovo's current Crime Victim Compensation Program could be an alternative to execute the reparation order and the Panel also invited Kosovo to create a new reparation mechanism for victims of crimes within the jurisdiction of the KSC. Finally, the Panel recommended the establishment of a trust fund for victims of crimes under the jurisdiction of the KSC, in case Kosovo fails to uphold its obligations towards victims in a reasonable time.

Since 2020, 157 applicants have been granted the status of participating victims before the KSC.

4.5 Witness Protection and Support Office

The Witness Protection and Support Office (WPSO) is responsible for ensuring the safety, physical and psychological well-being, dignity and privacy of witnesses and victims participating in the proceedings.

In 2023, WPSO facilitated the safe and timely appearance of 60 witnesses before the KSC. Of the 60 witnesses, 21 testified in the Shala case, including six expert witnesses, and 39 were Prosecution witnesses who testified in the *Thaçi et al.* case. Every witness was provided the necessary support, protection and other appropriate assistance required for their testimony.

In collaboration with the calling parties, WPSO planned, organised and coordinated the logistics required for witnesses to appear in court and ensured their safe passage from their place of residence to their location of testimony, where needed with support of the Host State and other relevant authorities. Of the 60 witnesses who appeared before the KSC in 2023, eight testified via video-link and 33 witnesses who testified in court did so under protective measures. In all cases, WPSO assessed witnesses' individual requirements and provided each witness with detailed information regarding their upcoming court appearance to ensure they were well prepared. Based on assessments, witnesses were escorted by WPSO staff and/or provided additional security arrangements. In 2023, WPSO staff conducted a total of 54 witness escort missions.

In order to facilitate testimony and reduce the risk of re-traumatisation, witnesses are assessed before, during and after their testimony. These assessments are individual and, based thereon, medical support may be provided. In addition, subject to a witness' consent, WPSO's specialised psychologists conduct psychological assessments to provide any necessary tailored psycho-social support and assistance before and during testimony, including by recommending special or protective measures in court to safeguard vulnerable witnesses and protect their dignity and privacy throughout proceedings.

A number of witnesses who testified in 2023, including those who testified as dual status victims-witnesses, were assessed to be vulnerable and benefited from special measures in court granted by the competent Panel upon WPSO's recommendation.

WPSO also addressed the security needs of witnesses who testified, where appropriate in cooperation with the calling party, and provided protection to witnesses and families assessed to be at elevated risk due to their testimony. During 2023, the Unit provided tailored protection measures to all witnesses at risk who appeared before the KSC, as well as victims and accompanying support persons, to ensure their safety and security throughout proceedings. WPSO continued to cooperate closely with the Host State and other partners on the implementation of appropriate measures to ensure the safety and security of victims and witnesses appearing before the KSC.

In 2023, WPSO ensured the safe and timely appearance of 60 witnesses before the KSC.

4.6 Detention Management Unit

The Detention Management Unit (DMU) manages and administers the KSC Detention Facilities located within a Dutch prison in The Hague.

DMU ensures that detainees are held safely and securely and safeguards the full respect of their dignity and rights in line with the KSC Rules of Detention and Regulations, relevant international standards and best practices. In 2023, three accused and one suspect were transferred to the KSC Detention Facilities. Following the conditional release to Kosovo of Mr Gucati in October and Mr Haradinaj in December, the KSC's Detention Facilities accommodated ten detainees at the end of 2023.

The KSC is committed to providing detainees adequate time and facilities for the preparation of their defence. In line with this commitment and with the commencement of trial proceedings in two more cases, DMU authorised Counsel in-person and video visits outside the regular visiting hours. This was done in order to allow detainees who, due to the commencement of the trial stage of proceedings, were unable to meet with their Counsel during regular visiting hours. The Unit continued to facilitate detainees' participation in the court proceedings remotely from the Detention Facilities when requested and authorised by the relevant Panel.

DMU aims to provide detainees with reasonable means of maintaining personal relationships with family members and other persons through in-person visits.

The video visits introduced out of necessity during the pandemic remained an option for detainees over the course of 2023.

In December 2023, the Trial Panel in the *Thaçi et al.* case ordered certain restrictions to be placed on visits, telephone communications and correspondence of three of the accused in the case. DMU therefore increased active monitoring and also implemented an assessment system in accordance with the Panel's order. These additional measures were assessed as necessary to ensure the integrity of the proceedings and compliance with the Detention Rules.

In 2023, upgraded recreational activities were provided to the detainees. The gym was refurbished and equipped with new sport equipment, tailored advice from a sports instructor was provided and English language courses continued to be offered.

As for medical services, the detainees continued to receive the highest standards of health care, with access to necessary health-care services to ensure continuity of treatment and care.

The KSC Ombudsperson conducted his fourth in-person inspection in 2023 to assess the conditions of detention, in accordance with the Rules of Procedure and Evidence. In November 2023, a delegation from the International Committee of the Red Cross visited the KSC Detention Facilities and met with the detainees who wished to meet with them. The KSC strongly welcomes the external oversight that this visit provided.

In 2023, DMU managed over 1,000 in-person visits by family and other personal visitors to the KSC Detention Facilities.

The Division of Administration provides expert, administrative and technical support to the KSC and the SPO through the Human Resources Unit, the Information Technology Services Unit, the Facility Management and General Services Unit, the Security and Safety Unit, the Finance and Budget Unit and the Procurement Unit.

In 2023, the work of the Division focused on facilitating judicial proceedings, including enabling courtroom activities, supporting the electronic court management system, Legal Workflow, and implementing Pre-Trial Judge and Panels' decisions. To that end, the Security and Safety Unit successfully transferred three more accused and one suspect to the KSC Detention Facilities, carried out three custodial visits of detained persons to Kosovo on short notice on humanitarian grounds and transferred two convicted persons to Kosovo following the modification of their sentences.

In 2023, as part of the continued commitment of the KSC to the sound management of both human and financial resources, the Head of the Administration Division and the Head of the Finance and Budget Unit provided targeted trainings throughout the KSC to further enhance the efficient use of resources and to ensure the robust implementation of the KSC budget.

The Head of the Division, as the KSC anti-fraud contact person, together with the Internal Auditor and the Administrative Officer, continued to implement the KSC Anti-Fraud Action Plan by providing anti-fraud awareness training to the staff and Judges. In 2023, 96% of key position holders at the KSC and the SPO completed the annual refresher training.

5.1 Human Resources Unit

The Human Resources Unit (HRU) provides support, advice and services to all personnel of the KSC and the SPO. HRU implemented its mandate by assisting with recruitment and selection procedures, administering and advising staff on a variety of personnel matters ranging from compensation and benefits to welfare and health insurance, supporting staff and managers in the process of contract renewals, performance evaluations and facilitating learning and development opportunities for staff.

In 2023, two Calls for Contributions (CfC) for staff members and two internship calls closed. Within the CfCs for staffing positions, a total of 2,950 applications were received from 1,253 applicants. Of these, 554 were female and 699 male and 90% were from EU Member States and 10% from Third Contributing States. A total of 43 seconded applications were received during the year. Within the internship calls,

555 applications were received from 196 applicants of which 147 were female and 49 male.

Overall 44 new staff members were deployed in 2023 of which 19 female and 25 male. In addition, 15 interns, of which 13 female and two male, joined the KSC and the SPO. The combined KSC and SPO staff increased from 276 on 31 December 2022 to 283 by 31 December 2023. Out of the 205 staff members at the KSC, 99 were female and 106 male, and of the 78 staff members at the SPO, 34 were female and 44 male.

The number of seconded staff members increased in 2023 from 11 to 12 with four EU Member States (Bulgaria, Germany, Hungary and Ireland) seconding eight staff members and two Third Contributing States (Switzerland and the United States of America) seconding three staff members and the Specialist Prosecutor.

HRU continued to support organisational needs by hiring qualified candidates to meet operational requirements while striving for gender balance and regional representation. Furthermore in 2023, based on the authority of the Registrar and due to considerations of efficient management of staff resources and of assigning staff as per workload requirements, a number of temporary assignments were approved.

HRU continued to provide induction briefings for staff members, learning and development opportunities on subjects such as leadership and management, performance management, equality, diversity and inclusion, specialised technical trainings, Albanian and Serbian language courses, as well as access to the digital learning hub.

With the continued support of the KSC and the SPO Principals in ensuring a safe and respectful work environment free from any form of harassment, HRU ensured that new staff attended trainings on the prevention of psychological and sexual harassment.

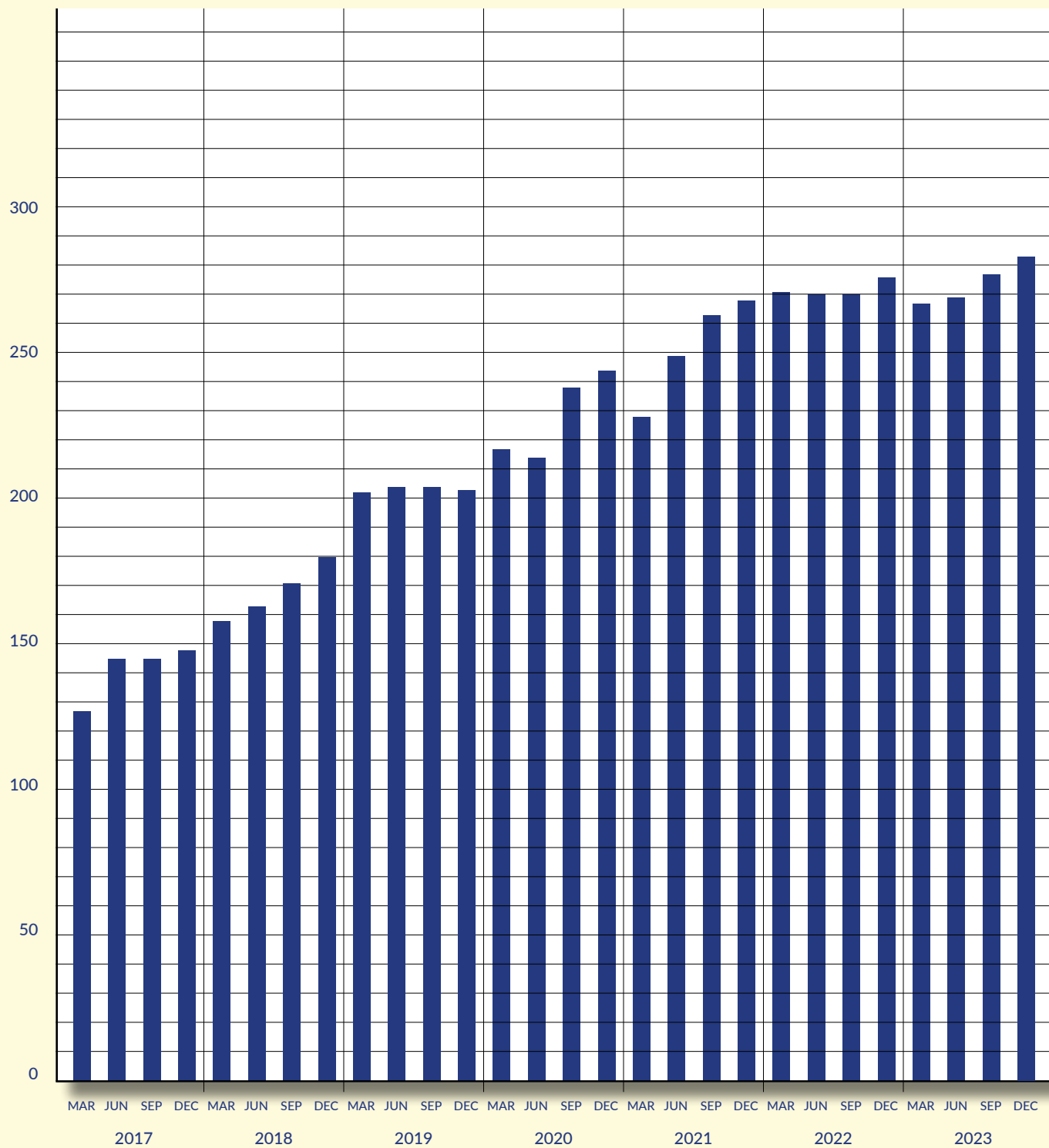
Furthermore, with the adoption of the new Anti-Harassment Policy of the KSC and the SPO in December 2022, HRU organised training sessions on the Policy for staff members, interns and contractors. Seven sessions were delivered resulting in 95% of staff members completing the training. In addition, a dedicated intranet page was created offering information about the Policy and available trainings.

In promotion of a supportive workplace environment where psychological safety and well-being is key, trainings on topics of 'Creating a Psychologically Safe Working Environment' and 'Fostering Psychological Safety', were held. HRU also supported the Gender Focal Point in organising a six-week leadership coaching programme for female staff members at the KSC and the SPO. The specifically tailored training was attended by 13 female staff members and further reinforced the commitment to promote female leadership within the organisation.

In 2023, a programme designed to nurture mental health, fortify resilience and improve overall well-being was launched. HRU organised two lunch talks on relevant topics and developed further the dedicated intranet page.

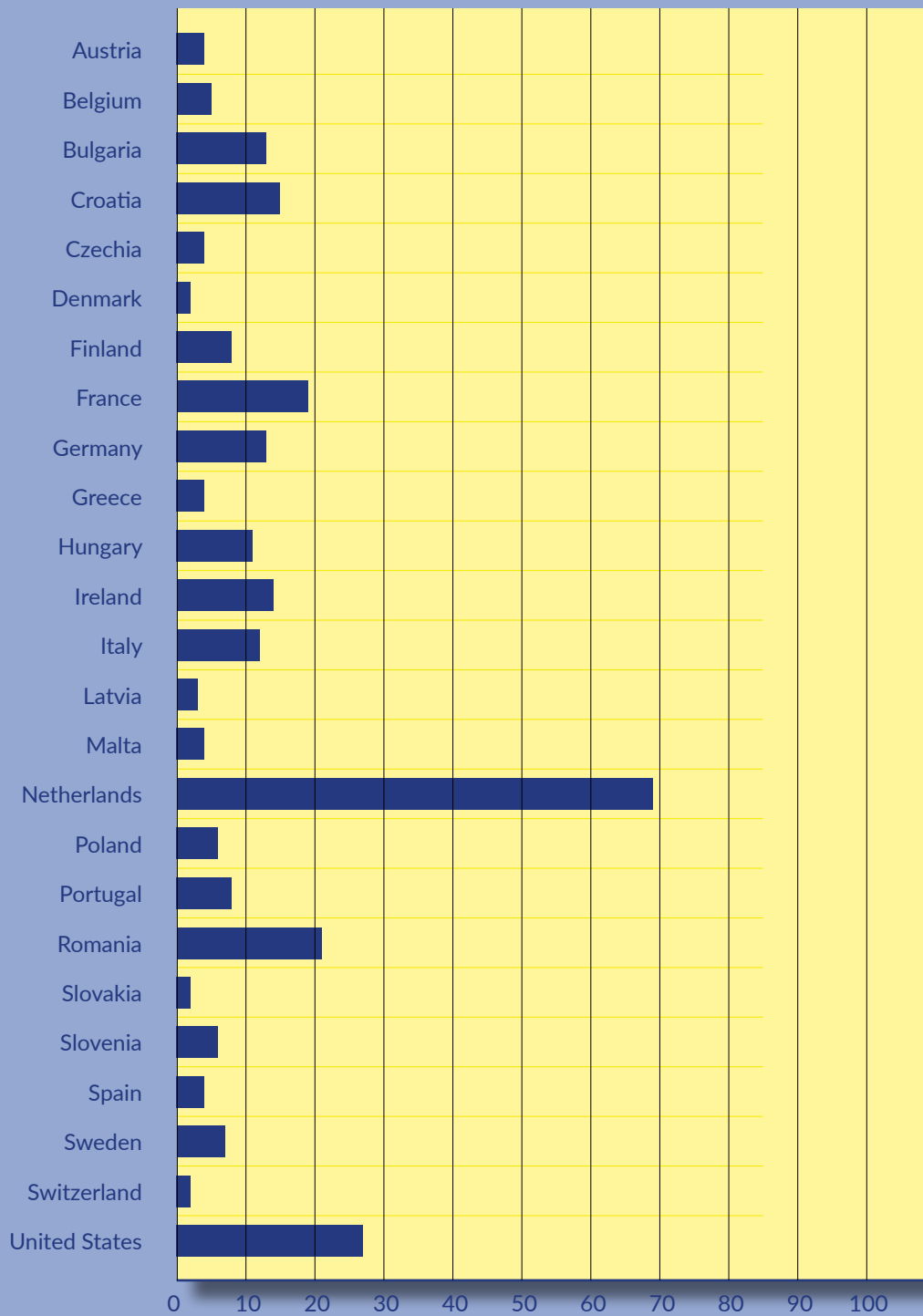


Total KSC and SPO staff



National Balance of KSC and SPO staff

31 December 2023



5.2 Information Technology Services Unit

The Information Technology Services Unit (ITSU) supported 134 days of hybrid courtroom activity during which over 15,000 audio-visual files consisting of 15TB of data were generated and processed in the three official languages of the court. The hybrid sessions combined courtroom participants and remote participants using secured video teleconference equipment. In addition to the courtroom operations, ITSU provided technical support during various events at the premises and audio-visual material was prepared for publication on the KSC YouTube channel.

The KSC's main application is the bespoke electronic court management system Legal Workflow. Every decision, filing and related communication, as well as disclosures, are processed through the system. It is in use both during and outside court sessions as well as outside regular working hours to assist parties in meeting their judicial deadlines.

In 2023, much of the Unit's focus was dedicated to preparing for the upgrade of the Legal Workflow ecosystem encompassing a diversity of platforms, applications, libraries and custom code to ensure that the new version is suitable to run until the end of the KSC lifecycle.

The ITSU Service Desk provided support to approximately 500 users, comprising the parties to the proceedings and the judicial support services at the KSC. The Service Desk also ensured the continuous improvement, replacement and disposal of end-user equipment and services, aligned with current and predicted usage levels.

Following the overhaul of main hardware initiated in 2022, the Unit implemented and deployed the new hardware during 2023 with the aim to avoid the need for further overhauls. ITSU has also started to use cloud services following market standards. In parallel, with its mandate to implement IT and cyber security tasks, ITSU furthered its on-premise, mobile and cloud-based security infrastructure and processes.

2023 was dedicated to prepare a major upgrade of the Legal Workflow ecosystem bringing it to run on current technology with the intent to create the ultimate version of the system.



5.3 Facilities Management and General Services Unit

The Facilities Management and General Services Unit (FMGSU) is responsible for the efficient and effective management of the KSC and the SPO premises while ensuring a quality work environment for its staff and visitors. This includes the delivery of support services related to real estate management in consultation with relevant Host State authorities, building maintenance and construction, as well as internal space planning.

The Unit also ensures that services such as catering, hospitality and cleaning are carried out and manages protocol administration services, mail and pouch services, transport, travel and logistics for which it works closely with the Security and Safety Unit and Protocol. The Unit also coordinates with EULEX on the management of the facilities used by the KSC and the SPO in Pristina, Kosovo.

In 2023, following the signing of the new Service Level Agreement with the Host State in 2022, FMGSU was able to move forward with overseeing 19 projects to enhance the premises as required for operational reasons. One of the major projects in 2023 was the migration of the entire security system that included the replacement of all security system servers and the complete update of the software. Due to the daily operations and in order to maintain the security level in place, the final steps of the project were implemented outside working hours in close cooperation with the Security and Safety Unit.

In 2023, FMGSU oversaw 19 premises enhancement projects needed for operational reasons.

5.4 Security and Safety Unit

The Security and Safety Unit (SSU) delivers a diverse range of safety and security services in support of the KSC activities and its staff. This includes risk awareness raising both at an individual and organisational level.

With the commencement of the Thaçi et al. trial in April 2023, SSU fully implemented what until then had been conceptual procedures and plans for the continual support of multi-accused judicial activities, and the operational demand was raised to full capacity. In order to sustain this demand, SSU furthered its effective human resource planning by focusing on periods of reduced service demand and remaining reactive to opportunities created by amendments to the court schedule, thus enabling leave entitlements and mandatory training requirements.

The Unit continued to provide support for a number of operational tasks, some ad-hoc, including the transfer of four arrested persons to the Netherlands, custodial visits of detainees to Kosovo and other sensitive judicial activities away from the seat of the KSC. Furthermore, two convicted persons were transferred to Kosovo following modification of their sentences to provide for their release with certain conditions for the remainder of the sentence imposed upon them. The safe and secure execution of these tasks is reliant on the support of external agencies with whom effective working relationship at all levels have been ensured.

The increase in operational activities has not detracted from continued efforts to enhance both governance and procedural controls relating to security and safety.

In particular in 2023, enhancements in the area of emergency management were made by implementing more robust controls in relation to both private and official staff travel. The Unit's ability to identify staff in the Host State was achieved by implementing a new policy obligating staff to inform the Unit of travel plans by creating a specific reporting portal for this purpose.

Together with the existing emergency management tools, the KSC capacity to confirm or negate staff involvement in a mass-casualty event in the Host State was greatly enhanced.

During the second half of the year, SSU together with FMGSU carried out the upgrade of the security management system used on premises.

A continual capacity to identify staff in the Host State at any given time has been achieved through the implementation of a specific reporting portal and corresponding policy implementation.

5.5 Finance and Budget Unit

The Finance and Budget Unit (FBU) supports the Registrar in the financial management of the funds granted to the KSC for the implementation of its mandate, in accordance with internal financial rules and regulations and with the principles of EU financial regulations.

In 2023, FBU continued to have a key role in the financial circuit, with the aim of ensuring the sound financial management of funds. In terms of regulatory framework, one administrative directive and three operational instructions relating to processes with financial impact were updated during the year. The Unit was also involved in the development of additional rules, by providing expertise and advice during the drafting process. In order to further enhance the procedures and the know-how, FBU delivered regular in-house trainings to staff members covering key aspects of the financial circuits of the KSC and the SPO.

The main activity at the beginning of 2023 was the budget approval process for the sixth Grant Contract signed between the Registrar, acting on behalf of the KSC and the SPO, and the European Commission, as the grant donor.

The process was concluded successfully with the approval of a budget of EUR 97,100,000 for the period 15 June 2023 to 14 June 2025. FBU worked with the European Commission for the swift disbursement of the first instalment which was received in July 2023. Additionally, the KSC managed funds received from the EU in line with the fifth Grant Contract signed between the Registrar, acting on behalf of the KSC and the SPO, and the European Commission for the two-year period from 15 June 2021 to 14 June 2023 in the total amount of EUR 103,279,698. In addition to the funds granted by the EU, the KSC managed funds totalling EUR 147,000 from the Swiss government, for KSC outreach activities in 2022 and 2023.

In 2023, FBU processed over 4,000 financial actions, from budgetary commitments to payments. Over the course of 2023, the final report of the fifth Grant Agreement from the EU for the period from 15 June 2021 to 14 June 2023 as well as the Progress Report of the Grant Agreement from the Swiss government for KSC outreach activities in 2022, were submitted.

The KSC financial accounts are subject to regular independent audits and expenditure verifications by both internal and external auditors as required by the EU Commission and the internal governance framework. In 2023, the audits and expenditure verifications conducted identified no irregularities. FBU maintained effective collaboration with the European Commission Service for Foreign Instruments contributing to effective monitoring and implementation of the KSC's financial resources.

By the end of 2023, 18 external audits have been carried out on the KSC with no findings identified.

5.6 Procurement Unit

The Procurement Unit (PU) is responsible for the KSC and the SPO procurement activities and thus ensures that goods, services or works required by the court to fulfil its mandate, are obtained timely and at the right cost.

The Unit continued to identify opportunities to maximise value for money and achieving procurement excellence, including establishing an increasing number of multi-year framework contracts. In total, 103 new procurement contracts for a range of goods and services worth EUR 15 million were concluded for the KSC and the SPO during 2023.

The Unit further confirms that the organisation complies with the EU regulations. The field of procurement is one of the most heavily regulated fields in the public sector and consequently any purchase made by the KSC and the SPO must undergo regular strict controls and audits.

The Unit supported with contract administration and monitoring as well as delivered in-house training for KSC and SPO staff to ensure consistent and rigorous contract management and market survey processes. Overall with its efforts the Unit ensures the KSC and the SPO comply with good procurement practices and that the risk of non-compliance with the relevant procurement rules and regulations as well as internal policies and guidelines is reduced. The main document governing the KSC and SPO procurement activities is the Practical Guide on Contract Procedures for EU External Action.

In 2023, PU continued to increase awareness and understanding of applicable tender processes and requirements among prospective suppliers as well as to provide as many businesses as possible, regardless of their location, the opportunity to work with the KSC and the SPO.

In 2023, 103 procurement contracts for a range of goods and services worth EUR 15 million were concluded for the KSC and the SPO.



AUDIT OFFICE

6

Audit Office

The Internal Auditor contributes to institutional governance and accountability of the KSC and the SPO through the audits she conducts, reporting her findings and recommendations to the Registrar.

During each audit assignment, the Internal Auditor also assesses the effectiveness of the internal control system, which contributes to the further improvement of internal processes. The Internal Auditor verifies the status of the implementation of her recommendations in the follow-up audits she conducts. In her work, the Internal Auditor adheres to international professional standards of internal auditing and to the EU Financial Regulation, and advises on measures to improve governance.

During 2023, the Internal Auditor conducted seven audits based on the annual audit plan focusing on expenditure of imprest accounts, fees and incidental costs of experts, provident fund contributions, expenditures related to detention services, the lease and maintenance of the KSC and the SPO premises, and the grant received from the Swiss government.

The Internal Auditor carried out five follow-up audits to verify that her recommendations were implemented. In addition to the audit assignments, the Internal Auditor was engaged with the anti-fraud trainings provided to staff members.

As part of the internal audit assignment, the Internal Auditor assesses compliance with the KSC's legal administrative framework including the EU Financial Regulation, the procurement rules, contracts, standard operating procedures and other internal guidance.



GENDER MAINSTREAMING AT THE KSC AND THE SPO

1

Promotion of a Supportive and Inclusive Work Environment at the KSC and the SPO

The promotion of a safe and inclusive work environment continued to be a priority for the Principals of the KSC and the SPO. Throughout the year, concrete steps were taken to further reinforce the KSC and SPO Anti-Harassment Strategy and the Anti-Harassment Policy, as well as to support the well-being of staff. Additionally, gender mainstreaming activities continued.

Zero-tolerance towards all forms of harassment

The commitment of the President, the Registrar and the Specialist Prosecutor to take all necessary measures to prevent and address harassment in the workplace and to promote a culture of dignity and mutual respect is reflected in the Anti-Harassment Strategy of the KSC and the SPO.

In addition, the Anti-Harassment Policy, adopted by the Registrar following consultation with the President and the Specialist Prosecutor, the Staff Representative Body and the Gender Focal Point, aims to ensure that all staff members, interns and contractors at the KSC and the SPO understand their roles, rights and responsibilities in maintaining a workplace free of psychological and sexual harassment. The Policy also regulates the informal resolution process available for addressing certain conduct, which complements the already existing formal resolution and disciplinary process. It also foresees additional, independent support structures that staff, interns and contractors can resort to on a confidential basis.

Enhanced Support Structures

In line with the Policy, the Registry procured in 2023 the services of an experienced KSC and SPO Welfare Advisor to provide guidance and assistance to staff, interns and contractors on addressing harassment allegations using the various informal and formal resolution options available to them. The Registry also identified a qualified External Mediator to act as an independent third-party during informal resolution processes, to assist the parties reach an amicable resolution.

KSC and SPO staff have, since the establishment of the organisations, had access to a Counselling Psychologist's services. In 2023, in line with the Anti-Harassment Policy, as well as the organisation's overall duty of care, the Counselling Psychologist role was enhanced. Proactive efforts were made to reiterate the support services available to staff including meetings with various units and one-on-one meetings, explaining her role and how she can support staff.

As part of the overall goal of ensuring that staff are aware of the multiple avenues of support available to them, the Staff Representative Body and the KSC and SPO Gender Focal Point play an important role by providing information on the existing support structures available to staff members, interns and contractors, and helping to identify if additional structures may be needed.

Bespoke Trainings

Under the Anti-Harassment Strategy, specialised training on the prevention of psychological and sexual harassment has been provided to staff annually since 2021 and continued to be offered to new staff members in 2023.

To ensure a comprehensive understanding of the Anti-Harassment Policy, an additional seven training sessions on the new features of the Policy were delivered throughout the year to provide detailed information on the support structures available. By the end of the year, 95% of staff members were trained.

Additionally, 14 half-day specialised and highly interactive trainings were provided to first- and second-line managers, the Staff Representative Body and the KSC and SPO Gender Focal Point on handling harassment allegations in a supportive atmosphere. By the end of 2023, 80% of first- and second-line managers attended the training, with additional sessions planned to ensure 100% attendance by the end of January 2024.



Training on the Anti-Harassment Policy, October 2023

Internal Outreach to Raise Awareness

To promote the principle that the prevention of any form of harassment is a shared responsibility across the organisation, the Registrar conceived an internal outreach plan to develop infographics and posters for staff which provide a helpful overview of the KSC and the SPO framework in preventing, reporting and responding to incidents of harassment. The KSC Outreach team coordinated the preparation of bespoke information materials to highlight the shared responsibility of preventing harassment and to raise awareness on existing channels and procedures for safe reporting.

A dedicated intranet page was also launched in 2023. It is the centralised hub gathering all information on the prevention of harassment at the workplace and in connection with work. The page also includes training materials and an overview of the available support structures, including information on how to make appointments with the KSC and the SPO Welfare Advisor and the Counselling Psychologist, as well as relevant information on the External Mediator.



Roll-out of the Anti-Harassment Policy

The Human Resources Unit (HRU) provided frequent reports to the Registrar about the implementation of the Anti-Harassment Policy. Future regular reports will include anonymised statistical data from the KSC and the SPO Welfare Advisor, line managers and external

mediators on the number of instances of alleged harassment that they were involved in addressing through the informal resolution process and whether the informal processes were successful or not.

Supportive Workplace Environment

In addition to the efforts outlined above, to further promote a supportive workplace environment where psychological safety and well-being is key, the Gender Focal Point and HRU offered trainings under the 'Diversity, Inclusion, and Equality' programme on topics such as "Creating a Psychologically Safe Working Environment" and "Fostering Psychological Safety", with the latter specifically tailored to first-line managers.

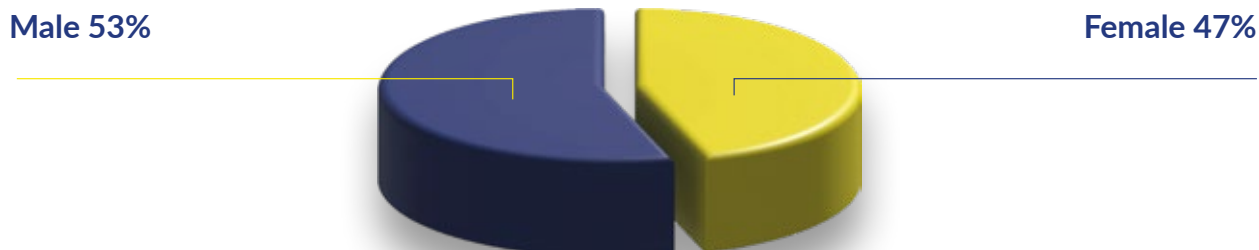
In 2023, HRU launched the first phase of its well-being programme designed to nurture mental health, fortify resilience and improve the overall well-being of staff, interns and contractors. In December 2023, two lunch presentations were held on "Cultivating Resilience: Strategies for Enhancing Mental Health" and "How to Beat Winter Blues: Techniques for a Brighter Season".

The well-being programme will continue into 2024, to further foster a work place environment that supports the mental/physical health and well-being of persons working at the KSC and the SPO. The programme is also meant to further emphasise the role of line managers in supporting staff and to enhance the existing support structures available to staff. The dedicated intranet page on well-being has also been revamped, focusing on strengthening staff's knowledge, skills and behaviours and offering nutrition and self-care techniques.

The services of the KSC Medical Doctor, including ergonomic advice for healthier work habits, have continued to be available to staff in 2023.

Gender Balance of KSC and SPO staff

31 December 2023



Gender Mainstreaming

From the start, the KSC and the SPO Principals have promoted gender mainstreaming activities to improve a more balanced gender representation. These efforts have focused on reaching and maintaining gender parity at all levels of the organisation and increasing representation of female staff in traditionally underrepresented fields.

With the appointment of Ms Kimberly West as Specialist Prosecutor in 2023, the KSC and the SPO are currently the only court of its kind with three female Principals.

Female representation amongst new staff members within the KSC and the SPO grew steadily from only 29% in 2018, to full parity in 2020, and up to 56% in 2021 and 2022. In 2023, 43% of the new staff members who joined the KSC and the SPO were female. While the percentage has decreased from 2022, several of the new female staff members joined KSC units working in areas with traditionally lower female representation, such as the Detention Management Unit and the Information Technology Services Unit. From the new staff joining the SPO in 2023, 48% were female.

Of the total staff at the KSC and the SPO, 47% were female and 53% male on 31 December 2023. The gender ratio is identical to that reached by the end of 2022.

By the end of 2023, the overall gender balance for KSC staff stood at 52% male and 48% female staff members. At Expert and Management level, female staff represented 54%, while male staff 46%.

The SPO achieved gender parity at the Secretary and Assistant level in 2022, and maintained this parity in 2023. The ratio at Expert and Management level continued the positive trend from previous years, with 58% male and 42% female. In 2022, there were 60% male and 40% female staff at the Expert and Management level. The overall ratio of female staff at the SPO increased in the past two years from 38% in 2021 to 40% in 2022 reaching 44% in 2023.

Throughout 2023, HRU continued to regularly gather and analyse gender disaggregated data and reviewed the progress made in reaching and maintaining gender parity at all levels of the organisation. Emphasis continued to be placed on gender mainstreaming in the induction training provided to all new staff members, as well as in the trainings offered to all recruitment panel members throughout the year.

Staff also had the opportunity to take part in a number of additional trainings provided by HRU aimed at improving their soft and interpersonal skills, including “Situational Leadership and Coaching”, “Conflict Management” and “Leading High Performing Teams”.



**EXPERT AND MANAGEMENT
LEVEL (KSC)**



**EXPERT AND MANAGEMENT
LEVEL (SPO)**



**SECRETARY AND
ASSISTANT LEVEL (KSC)**



**SECRETARY AND
ASSISTANT LEVEL (SPO)**



2

Gender Focal Point

The presence of the Gender Focal Point forms part of the Principals' overall dedication to maintaining and furthering strengthening an inclusive work environment.

Over the course of 2023, the Gender Focal Point organised a variety of activities, including celebration of International Women's Day. The 2023 theme of International Women's Day was "Embrace Equity" and staff members of the KSC and the SPO gathered together to celebrate the women working at the institutions, as the President, the Acting Specialist Prosecutor and a member of a Defence team and the Gender Focal Point all spoke in honour of International Women's Day.

We have achieved gender parity, which is a solid endorsement of our Principals' commitment to opening doors, extending opportunities, and trusting in our abilities to both succeed and to celebrate the success of our colleagues. Through the regular collection and analysis of disaggregated data, through tireless efforts on behalf of the recruitment panels, through training and the raising of awareness, the KSC reached gender parity for positions at both the expert and the management level, as well as overall for all staff.

Gender Focal Point on 8 March 2023, International Women's Day

The Gender Focal Point, with administrative assistance from the Human Resources Unit, further organised a six-week intensive leadership coaching programme for 13 KSC and SPO women, called "Here She Comes!". The program allowed the participants to reflect on their preferred management styles, offered concrete coaching on ways in which to become more visible within the KSC and the SPO, as well as other techniques to ensure inclusive and transparent leadership within their respective teams.

A number of the women who attended the coaching programme thereafter implemented a range of changes within their teams to enhance performance and an overall sense of inclusion.

In June 2023, the Gender Focal Point attended a three-day annual meeting of Human Rights and Gender Advisors at the European Union Common Security and Defence Policy missions, organised by the European External Action Service. During those three days, presentations were given on a wide variety of topics relevant to, inter alia, the gender advisors at the missions as well as workshops provided on gender mainstreaming.

The KSC and the SPO further hosted an event organised by the Women in International Law Network (WIL Network) at the court on 31 October 2023, launching a high-level mentoring programme. The mentoring programme, known as Mentoring4Future, was first initiated in 2022 by the Ambassador for the Republic of Austria, H.E. Astrid Harz, together with the WIL Network. This was the first event hosted at the premises by all three Principals, including the newly appointed Specialist Prosecutor. President Ekaterina Trendafilova, who was a mentor in this programme last year, welcomed the guests to the premises. The Gender Focal Point, a WIL Network board member, presented the mentoring programme on behalf of the board. Registrar Fidelma Donlon, Specialist Prosecutor Kimberly West and Judge Mappie Veldt-Foglia are among the distinguished mentors this year.

INTERNATIONAL
WOMEN'S
DAY





KSC and SPO Principals hosting the Women in International Law Network Event, October 2023.

The Gender Focal Point further manages a relevant intranet page, which is periodically updated with interesting articles and links to events related to gender mainstreaming and inclusion and diversity more generally.

I also wish to thank the Principals of our Court, President Trendafilova, the Registrar, Dr Fidelma Donlon and the Specialist Prosecutor, Kimberly West, for hosting this event. It hasn't escaped me that I am standing here today at a court where all three Principals are women. This alone sends a powerful message and shows how far we have come.

I am also proud to stand here as the Gender Focal Point of a court where all three Principals have either participated as a mentor, or will participate this upcoming round, in addition to one of our Judges, Judge Mappie Veldt-Foglia, who will also be a mentor.

Gender Focal Point, 31 October 2023



Gender Focal Point at the WIL Network event, 31 October 2023



SPECIALIST PROSECUTOR'S OFFICE

Foreword

The Specialist Prosecutor's Office (SPO) achieved a series of milestones over the past year, together with the Kosovo Specialist Chambers (KSC). It opened two trials; it litigated appeals in another two trials in which verdicts had already been rendered; and it arrested four persons for offences against the administration of justice. In the process, it continued to ensure that the KSC serves as a forum for justice, providing both due process for the accused and a secure setting in which witnesses can speak openly about what they witnessed or experienced without fear of intimidation or retribution. This, in turn, is helping reinforce the rule of law in Kosovo.



Kimberly West, Specialist Prosecutor

The SPO is able to bring prosecutions thanks to the courage of the many women and men, who have cooperated with our investigations and placed their trust in this institution. To this end, the SPO takes witness intimidation, retaliation against witnesses and obstruction of justice extremely seriously and will continue to investigate and to prosecute anyone and everyone involved in every instance, including those who intimidate or interfere with witnesses or provide financial or other support to such criminal offences.

I became Specialist Prosecutor in October and am thankful to my predecessors, in particular, former Specialist Prosecutor Jack Smith, for their many achievements that have brought the SPO to where it is today. I am also grateful to Alex Whiting who served as Acting Specialist Prosecutor between November 2022 and August 2023, and to my Deputy, Ward Ferdinandusse, and Senior Prosecutor, Clare Lawson, for their interim leadership of the SPO in the months before my arrival. I intend to continue where my predecessors left off and to take forward all aspects of the SPO's work as expeditiously as possible.

I also wish to thank each of the countries of the EU, including our Host State, the Netherlands, and the Third Contributing States of Norway, Switzerland and the United States, for continuing to provide the necessary resources and support for the rule of law to make our work possible. I am grateful to the European Union Rule of Law Mission in Kosovo (EULEX) and both Heads of Mission during the past year, Ambassador Lars-Gunnar Wigemark and Major-General Giovanni Pietro Barbano, for the logistical and operational support given to the SPO in Kosovo. And I wish to thank all SPO staff, both current and former, as well as the staff of the KSC, and, in particular, President Ekaterina Trendafilova and Registrar Fidelma Donlon, for their welcome, and their extraordinary commitment and dedication to the institution.

Kimberly West
Specialist Prosecutor

The Hague, December 2023

SPO Investigation

The SPO was established on 1 September 2016 on the basis of a constitutional amendment and the Law on Specialist Chambers and Specialist Prosecutor's Office adopted by the Kosovo Assembly on 3 August 2015. The KSC and SPO were created in the wake of an earlier investigation by the Specialist Investigative Task Force (SITF) and the SPO inherited the staff and mandate of the SITF.

The SITF had been created to investigate and, if warranted, prosecute individuals for crimes alleged in the January 2011 Council of Europe Report "Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo". The SITF was an autonomous entity, deriving its jurisdiction and legal authority from the EU Council Decision establishing EULEX.

The SITF investigation was headed by Clint Williamson, a US prosecutor and former US Ambassador-at-Large for War Crimes Issues. In July 2014, he advised that a court would have to be established to take the investigation forward.

The SPO is an independent institution, with its independence guaranteed by the Law creating it. Consequently, the SPO is obliged to act independently from both the KSC and from all other prosecutors in Kosovo.

The Law also instructs the Specialist Prosecutor and SPO staff not to seek or receive instructions from any government or other source.

Within its jurisdiction, the KSC has primacy over all other courts in Kosovo. The KSC or the SPO may order the transfer of proceedings within its jurisdiction from any other prosecutor or any other court in the territory of Kosovo to the KSC and the SPO at any stage of an investigation or proceedings.

The Specialist Prosecutor is authorised to question victims, witnesses and suspects, and record their statements; conduct on-site investigations, collect evidence, undertake expert examinations thereof and conduct such other investigative activities as necessary; seek the assistance of Third States and international organisations or other entities; and undertake investigative measures as laid out in the Rules of Procedure and Evidence.

David Schwendiman served as the first Specialist Prosecutor between September 2016 and March 2018, having previously been Lead Prosecutor of the SITF from June 2015. Jack Smith succeeded Mr Schwendiman as Specialist Prosecutor in May 2018 and served until November 2022. Kimberly West succeeded Mr Smith as Specialist Prosecutor in October 2023.



David Schwendiman, Specialist Prosecutor 2016-2018



Jack Smith, Specialist Prosecutor 2018-2022

Mandate Implementation

The SPO continued to move forward expeditiously in 2023. It opened two trials, litigated appeals in two cases, and arrested four persons for offences against the administration of justice. The SPO also continued to make evidence available to Defence Counsel.

In addition, Kimberly West, a former US federal prosecutor with extensive experience in both domestic and international criminal investigations, succeeded Jack Smith as Specialist Prosecutor. She was appointed on 2 June 2023 after a process organised by the EU and took office on 18 October 2023. Alex Whiting served as Acting Specialist Prosecutor between November 2022 and August 2023.

Prosecutor v. Hashim Thaçi et al.

The SPO opened its case against former Kosovo President Hashim Thaçi, Kadri Veseli, Jakup Krasniqi and Rexhep Selimi on 3 April 2023 and the Court accepted evidence from 71 witnesses by the end of the year, including the live testimony of 39 witnesses.

In his opening statement, Acting Specialist Prosecutor Alex Whiting said: “This is a case about the rule of law during wartime. Nobody is above the law, even during wartime.”

Mr Whiting also emphasised that the trial was not a prosecution of the Kosovo Liberation Army (KLA) and that it does not accuse everyone in the KLA. “The vast majority of members of the KLA had absolutely nothing to do with this case or with the crimes charged in the indictment,” Mr Whiting continued. “This case is only about what these four men did, about the crimes that they committed during the war, what they are responsible for under the law.”

Messrs Thaçi, Veseli, Krasniqi and Selimi are charged with six counts of crimes against humanity – persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance of persons – and four counts of war crimes – illegal or arbitrary arrest and detention, cruel treatment, torture and murder.



Front row: Acting Specialist Prosecutor Alex Whiting, Deputy Specialist Prosecutor Ward Ferdinandusse and Senior Prosecutor Alan Tieger
Second row: Prosecutor Matt Halling, Senior Prosecutor Clare Lawson and Prosecutor James Pace

Acting Specialist Prosecutor's Response to Gucati and Haradinaj Appeal Judgment

In the wake of the judgment in the appeal of Hysni Gucati and Nashim Haradinaj, Acting Specialist Prosecutor Alex Whiting issued a statement making clear that the Specialist Prosecutor's Office would continue to prosecute all cases of witness intimidation, retaliation against witnesses and obstruction of justice.

"I welcome today's judgment from the Specialist Chambers Appeals Panel, which reinforces the rule of law in Kosovo and sends a clear message to anyone involved in witness intimidation, retaliation against witnesses and obstruction of justice," the Acting Specialist Prosecutor said.

"The SPO takes these crimes extremely seriously and will continue to investigate and to prosecute anyone and everyone involved in every instance," Mr Whiting continued.

"This case has been about the conditions required for the fair administration of justice and what is needed to make the rule of law a reality. Witnesses must be able to testify without fear of retaliation or retribution."



According to the indictment, the crimes were committed from at least March 1998 through September 1999 and took place in several locations across Kosovo as well as in Kukës and Cahan, in Albania. They were allegedly committed by members of the KLA against hundreds of civilians and persons not taking part in hostilities.

The indictment alleges that Messrs Thaçi, Veseli, Selimi and Krasniqi are individually criminally responsible, pursuant to various forms of criminal responsibility, for crimes which were committed in the context of a non-international armed conflict in Kosovo and were part of a widespread and systematic attack against persons suspected of being opposed to the KLA.

The SPO arrested Messrs Thaçi, Veseli, Selimi and Krasniqi and the KSC transferred them to its Detention Facilities in The Hague on 4 and 5 November 2020.

The SPO filed its pre-trial brief on 17 December 2021 and an updated version on 24 February 2022. The SPO filed a further amended indictment on 30 September 2022 and made 416 filings in the course of 2023.

Specialist Prosecutor's Response to Mustafa Appeal Judgment

In the wake of the judgment in the appeal of Salih Mustafa, Specialist Prosecutor Kimberly West issued a statement describing the appeal judgment as representing a “victory for justice”.

“I welcome today’s judgment, which, despite minor revision of Mr Mustafa’s sentence, represents a victory for justice and, in particular, for the victims of Salih Mustafa and their families,” Ms West said.

The Specialist Prosecutor also paid tribute to the courage of witnesses who testified in the Mustafa trial. “The willingness of witnesses to testify has been critical in this case and I applaud their courage in giving evidence in court,” she said.



Prosecutor v. Pjetër Shala

The SPO opened its case against Pjetër Shala on 21 February 2023 and closed its case on 6 July 2023, by which time ten witnesses had testified in court. The Defence case commenced on 20 September 2023 and was ongoing at the end of 2023.

Mr Shala is charged with four counts of war crimes – arbitrary detention, cruel treatment, torture, and murder – carried out between approximately 17 May 1999 and 5 June 1999 against persons detained at the Kukës Metal Factory in Albania.

In his opening statement, Acting Specialist Prosecutor Whiting emphasised that cases at the Specialist Chambers, including the Shala case, were not against Kosovo or the KLA, but that they charge individuals for crimes they are alleged to have committed during the war and that the majority of victims were Kosovar Albanians.

“This court affirms the principle of the rule of law in Kosovo, including the right of persons accused of war crimes to receive a fair trial, and emphasises that nobody is above the law and that those accused of committing international crimes can be held to account, no matter what cause they are fighting for,” Mr Whiting said.

Mr Shala was arrested on 16 March 2021 in Belgium and transferred to the Detention Facilities of the KSC on 15 April 2021. His initial appearance took place on 19 April 2021. The SPO filed its pre-trial brief on 28 January 2022 and a public redacted version on 14 April 2023. The SPO made 151 filings in 2023.

Prosecutor v. Hysni Gucati and Nasim Haradinaj

The SPO litigated both an appeal and requests for protection of legality in the case of Hysni Gucati and Nasim Haradinaj. The two men had been convicted on 18 May 2022 of obstruction of justice, intimidation of witnesses, and violating the secrecy of proceedings and sentenced to four-and-a-half years’ imprisonment and a fine of 100 Euros each.

The Court of Appeals Panel upheld on 2 February 2023 Mr Gucati’s and Mr Haradinaj’s first-instance convictions. It also affirmed the majority of the Trial Panel’s findings and reversed one finding, thereby reducing the sentences of the accused from four-and-a-half years to four years and three months of imprisonment.

The Supreme Court Panel of the KSC rejected on 18 September 2023 both Mr Gucati's and Mr Haradinaj's requests for protection of legality. The SPO made 14 filings in this case in 2023.

Prosecutor v. Salih Mustafa

The SPO also litigated an appeal by Salih Mustafa of his 16 December 2022 conviction for the war crimes of unlawful detention, torture, and murder, and sentence of 26 years' imprisonment.

The Court of Appeals Panel affirmed all of Mr Mustafa's convictions in a 14 December 2023 judgment, emphasised the grave nature of the crimes and modified Mr Mustafa's sentence to 22 years in prison.

The SPO participated in the appeals hearing on 26 and 27 October and made 30 filings in this case in the course of 2023.

Arrests of Ismet Bahtijari and Sabit Januzi

The SPO arrested Ismet Bahtijari and Sabit Januzi in Kosovo on 5 October 2023, pursuant to an arrest warrant, confirmed indictment and transfer order issued by a Pre-Trial Judge of the KSC. They were transferred on 6 October 2023 to the KSC Detention Facilities in The Hague and appeared before a Pre-Trial Judge on 9 October 2023.

The indictment charges Mr Bahtijari and Mr Januzi with intimidation and attempting to obstruct by serious threat official persons in performing official duties, both individually and by participating in the common action of a group. The SPO made 91 filings in this case in 2023.



Front row, from the left: Prosecutors Cezary Michalczuk and Nico Baarlink
Second row: Specialist Prosecutor Kimberly West

Diplomatic Briefings



In the course of 2023, the SPO participated in a series of diplomatic briefings to update EU Member States and Third Contributing States on the SPO's work, challenges the SPO was facing and ways in which the international community could help the SPO expedite its work.

Specialist Prosecutor Kimberly West addressed diplomats from both EU Member States and Third Contributing States in The Hague in December 2023, together with KSC President Ekaterina Trendafilova and Registrar Fidelma Donlon.

Deputy Specialist Prosecutor Ward Ferdinandusse addressed the EU's Working Party on the Western Balkans (COWEB) in The Hague in September 2023, together with President Trendafilova and Registrar Donlon. Acting Specialist Prosecutor Alex Whiting briefed Ambassadors of the EU's Political and Security Committee (PSC) in January 2023, together with President Trendafilova and Registrar Donlon.

Arrest of Isni Kilaj

The SPO arrested Isni Kilaj in Kosovo on 2 November 2023 on the basis of an arrest order issued by the Specialist Prosecutor. Mr Kilaj was transferred to the KSC Detention Facilities in The Hague a day later and appeared before the Single Judge on 4 November 2023.

Mr Kilaj was arrested for offences against the administration of justice, including obstructing official persons in performing official duties and violating the secrecy of proceedings. The SPO made 18 filings in this case in 2023.

Arrest of Haxhi Shala

The SPO arrested Haxhi Shala on 11 December 2023, pursuant to an arrest warrant and transfer order and a confirmed indictment issued by a Pre-Trial Judge of the KSC.

He was transferred to the KSC Detention Facilities in The Hague on 12 December 2023 and appeared before a Pre-Trial Judge on 13 December 2023.

Mr Shala was arrested for offences against the administration of justice, including witness intimidation. The SPO made 14 filings in this case in 2023.

In the wake of Mr Shala's arrest, Specialist Prosecutor Kimberly West said: "Making sure Kosovo citizens can speak truthfully and without harassment about their experiences is of great importance not only for this institution's ability to do justice, but also for the rule of law in Kosovo. The SPO will continue to do all in its power to protect victims and witnesses and hold accountable those who violate Kosovo's laws for their own private interests."

Dritan Goxhaj Extradition Proceedings

The SPO also sought the arrest and extradition of an Albanian citizen, Dritan Goxhaj, in relation to offences against the administration of justice involving intimidation and obstructing official persons in performing official duties.

The Albanian authorities arrested Mr Goxhaj in Tirana on 31 July 2023, pursuant to an arrest warrant requested by the SPO and issued by a KSC Judge, and a Tirana court granted his extradition on 18 September. However, Mr Goxhaj appealed that decision and was released by the Court of Appeal on 10 October 2023.

Throughout 2023, the SPO also continued interviewing witnesses; reviewing all documentary evidence collected in the course of the investigation and preparing it for disclosure purposes; and working with relevant authorities in international organisations and states to ensure both that documents are cleared for use in court and that witnesses are cleared to testify in court.



Prosecutor Tazneen Shahabuddin



Front row, from the left: Prosecutors Filippo De Minicis, Gaia Pergolo and Eva Wyler
Second row: Acting Specialist Prosecutor Alex Whiting

Senior Prosecution Staff

The SPO is led by a team of senior prosecutors, all of whom have experience in both their domestic jurisdictions and international courts and tribunals. The Specialist Prosecutor is Kimberly West, a former US federal prosecutor with extensive experience in both domestic and international criminal investigations.



Kimberly West | Specialist Prosecutor

Ms West joined the SPO in October 2023 from the Ashcroft Law Firm in Boston, Massachusetts, where she has been a Partner since 2019 focusing primarily on white-collar defence. Prior to joining the Ashcroft Law Firm, Ms West worked as a prosecutor for more than two decades in local, state, federal and international roles.

Ms West was the Chief of the Criminal Bureau in the Massachusetts Attorney General's Office between 2015 and 2019. In that capacity, she supervised a team of more than 120 professionals responsible for investigating and prosecuting a wide range of financial fraud, public corruption, narcotics, gaming and human trafficking offenses; defending convictions on appeal; and assisting victims and witnesses.

Ms West joined the Attorney General's Office from the US Attorney's Office, District of Massachusetts, where she served as an Assistant US Attorney in the Health Care Fraud Unit for two years and in National Security Unit for six years.

For five years, between 2008 and 2013, Ms West served as a prosecutor at the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, where she was a member of the team that prosecuted Radovan Karadžić for his role in the Srebrenica genocide. She was also on the Prlić et al. prosecution team focusing on the crimes committed in Mostar and the destruction of the Old Bridge.

Ms West has a Juris Doctor degree from Suffolk University Law School, Massachusetts, and was admitted to the bar in Massachusetts. She also has a Bachelor of Arts degree from Boston College, Massachusetts.

Acting Specialist Prosecutor Alex Whiting

Alex Whiting served as Acting Specialist Prosecutor between November 2022 and August 2023, having earlier been Deputy Specialist Prosecutor between September 2020 and November 2022 and Head of Investigations between June 2019 and August 2020.

Mr Whiting is a prosecutor of French and US nationality with extensive experience of both domestic and international prosecutorial work, including tenures at both the International Criminal Court (ICC) and the ICTY (International Criminal Tribunal for the former Yugoslavia).

A graduate of Yale College and Yale Law School, Mr Whiting came to the SPO from Harvard Law School, where he had been a professor of practice since 2013.

At the ICC between 2010 and 2013, Mr Whiting worked in the Office of the Prosecutor where he served first as Investigations Coordinator, overseeing all investigations, and then as Prosecutions Coordinator, overseeing all prosecutions.

At the ICTY between 2002 and 2007, Mr Whiting was lead prosecutor in the trial of Fatmir Limaj, Isak Musliu and Haradin Bala, and lead prosecutor in the trials of Milan Martić and Dragomir Milošević.

Before joining the ICTY, Mr Whiting was a US federal prosecutor, first with the Criminal Section of the Civil Rights Division in Washington, DC, and then with the US Attorney's Office in Boston, Massachusetts, where he focused on organised crime and corruption cases.



Ward Ferdinandusse | Deputy Specialist Prosecutor

The Deputy Specialist Prosecutor is Ward Ferdinandusse, who joined the SPO as Head of Investigations in 2020. A Dutch national, Mr Ferdinandusse has both a law degree and a doctorate in the application of international criminal law in national courts from the University of Amsterdam. He has published extensively on issues of national and international criminal law. He also taught International and European Criminal Law at the University of Groningen, focusing on international cooperation in criminal matters.

As a prosecutor at the National Public Prosecutor's Office in Rotterdam, Mr Ferdinandusse worked on criminal cases, extradition proceedings and investigations into international crimes such as genocide, war crimes, torture, piracy and terrorism. He joined the SPO from the Flight MH17 trial where he worked as a lead prosecutor.



Alan Tieger | Senior Prosecutor

Senior Prosecutor Alan Tieger is a US national with extensive experience both from the US and the ICTY. Mr Tieger was involved in both the ICTY's first trial, that of Duško Tadić, and its final trial, that of Ratko Mladić. He also served as senior prosecutor in the trials of Ante Gotovina, Radovan Karadžić, Momčilo Krajišnik, Darko Mrđa and Biljana Plavšić.

Mr Tieger served as a federal prosecutor in the Civil Rights Division Criminal Section of the US Department of Justice from 1987 to 1994, prosecuting cases of racial violence and police brutality nationwide, including the Rodney King case.

He has a BA degree from the University of California at Los Angeles and a JD degree from Santa Clara University.



Clare Lawson | Senior Prosecutor

Senior Prosecutor Clare Lawson is an Irish national and holds a degree from University College Dublin, including a year's specialisation in international law at the University of Melbourne, and an LLM from Columbia University. Prior to joining the SPO, Ms Lawson worked as a legal officer in the Trial Division at the International Criminal Court, in the Office of the Prosecutor at the ICTY, as a human rights adviser to the Irish government, and in private practice with a leading Irish law firm.

Ms Lawson has worked on several international criminal cases, including those arising from the Central African Republic, the Democratic Republic of Congo, Kenya and the former Yugoslavia. She has also led human-rights negotiations on behalf of the EU at the United Nations.

Prosecution Teams

Mustafa Appeal Team

The team in the appeal of Salih Mustafa comprised Cezary Michalczuk and Nico Baarlink. Mr Michalczuk is a Polish Prosecutor, educated in Poland and the UK, who has previously served, among other assignments, as Head of the Rule of Law and Legal Section of the EU Special Representative in Kosovo between 2015 and 2020, and Head of War Crimes Unit at the Special Prosecution Office of the Republic of Kosovo between

2010 and 2015. Mr Baarlink is a German Associate Prosecutor, who completed his legal education and training in Australia. He has previously worked for the Office of Public Prosecutions in Melbourne, the Office of the Co-Investigating Judges at the Extraordinary Chambers in the Courts of Cambodia, and the Trial Chamber at the Special Tribunal for Lebanon.



Cezary Michalczuk | Prosecutor



Nico Baarlink | Associate Prosecutor

Gucati and Haradinaj Appeal Team

The team in the appeal of Hysni Gucati and Nasim Haradinaj in 2022 comprised James Pace and Matt Halling. Mr Pace is a Maltese Prosecutor, educated in Malta and the UK, who previously worked in the prosecution offices at the Special Court for

Sierra Leone and the ICC. Mr Halling is a US Prosecutor admitted to the bar in California, who joined the SPO in 2020 from the ICC, where he had been employed since 2011.



James Pace | Prosecutor



Matt Halling | Prosecutor

Shala Trial Team

The trial team in the case of Pjetër Shala comprised Filippo De Minicis, Gaia Pergolo and Eva Wyler. Mr De Minicis is an Italian Associate Prosecutor who previously worked at the ICTY, the Office of the Co-Investigating Judges at the Extraordinary Chambers in the Courts of Cambodia, and the UN's Office of the High Commissioner for Human Rights in South Korea. Ms Pergolo is an Italian Associate Prosecutor, educated in Italy and the UK, who previously worked for the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals in The Hague,

the United Nations Assistance to the Khmer Rouge Trials in Phnom Penh, Cambodia, and the Special Court for Sierra Leone. She has also worked for REDRESS, a non-governmental organisation that pursues legal claims on behalf of survivors of torture. Ms Wyler is a Swiss Associate Prosecutor, who previously worked as an Attorney-at-Law at one of Switzerland's leading litigation, investigation and criminal law practices, as well as a Military Investigation Judge and a Military Prosecutor.



Filippo De Minicis
Associate Prosecutor



Gaia Pergolo
Associate Prosecutor



Eva Wyler
Associate Prosecutor

Staffing

The SPO staff is comprised of prosecutors, legal advisers, security professionals, investigators, analysts, witness-security specialists and support staff. At the end of 2023 the SPO comprised 78 staff, with 24 different nationalities represented from both EU Member States and Third Contributing States. Of the 78 staff, 44 were male and 34 were female.







KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

**KOSOVO SPECIALIST CHAMBERS &
SPECIALIST PROSECUTOR'S OFFICE
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A blue-tinted photograph of a wooden chair and a glass gavel on a table. The chair is in the background, and the gavel is in the foreground on the right side. The image is used as a background for a website.

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