



Press Update

Welcome to the weekly press briefing of the Kosovo Specialist Chambers, where we aim to provide journalists with an update on the latest developments at the court, and the opportunity to ask questions.

On 20 June, the Trial Panel in the case of Hashim Thaci, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, dismissed a joint defence request to appeal the judges' earlier decision in which the Trial Panel had admitted into evidence General Staff and Provisional Government of Kosovo documents.

On the question of the documents' *prima facie* authenticity, the Trial Panel recalled in detail how it had assessed the authenticity of each of the documents, taking note of several relevant indicators of authenticity, such as signatures and stamps, as well as the fact that some documents were seized from Mr. Krasniqi.

In relation to Defence objections about the Prosecution submitting these documents into evidence at the end of its case, the Trial Panel noted that through the exhibit list which the Prosecution had submitted before calling its witnesses, the Defence had been informed of the Prosecution's intention to use and rely upon each of the items since the beginning of the proceedings.

In the case of Hashim Thaci, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuci related to allegations of unlawful witness influencing, the Pre-trial Judge issued decisions on some of the preliminary motions of the Defence.

On 19 June, the Pre-trial Judge decided on a preliminary motion by the Thaci Defence challenging the jurisdiction of the court. Among other things, the Thaci Defence had argued that the allegations of unlawful witness influencing should have been dealt with by the Trial Panel in Mr. Thaci's war crimes case, and not as a separate case by the Pre-trial Judge.

In dismissing this challenge, the Pre-trial judge emphasized that under the law only the Specialist Prosecutor's Office and the Pre-trial Judge have a role with regards to the filing and approval of an indictment. The judge found that this does not affect the ability of the Trial Panel in Mr. Thaci's war crimes case to protect his fair trial rights. She found that none of the examples put forward substantiated the claim that Mr. Thaci's fair trial rights have been affected.

The Pre-trial Judge also dismissed Mr. Thaci's assertion that she should not have been assigned as both the Single Judge during the prosecution's investigation and subsequently as the Pre-trial Judge. In her reasoning, the judge highlighted that no substantiated arguments were presented as to how this could have affected her impartiality and that any such concerns should have been raised through a different procedure.

On 24 June, the Pre-trial Judge rejected preliminary motions of the Thaci and Fazliu Defence teams, which had alleged defects in the indictment. Among other things, the judge found in her decision that the





indictment contained sufficient detail in relation to charges of attempted obstruction of official persons in performing official duties.

She also found that the allegedly unlawful contact between Mr. Thaci and his visitors in detention was sufficiently clear in the indictment, in view of the disclosure of the non-privileged visits in which he is alleged to have provided instructions to his co-accused to be conveyed to protected witnesses.

The Pre-trial judge was also satisfied that the level of detail regarding Mr. Fazliu's alleged actions pertaining to Witness 1 was sufficiently clear. According to the judge's decision, whether or not the evidence will be sufficient to demonstrate guilt in relation to the charges in the indictment is a matter to be discussed at trial.

The Pre-trial Judge issued a separate decision on 20 June related to an earlier request by the Isni Kilaj Defence for access to certain filings, noting that the Kilaj Defence had withdrawn parts of its request, while the remaining filings had been reclassified to make them available to all accused in the case.

