

TRIALS BEFORE THE KOSOVO SPECIALIST CHAMBERS

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The Humanitarian Law Center Kosovo (HLCK) continuously monitors judicial proceedings taking place before the Kosovo Specialist Chambers. Publishes newsletters and analysis related to the work of the Specialist Chambers which serve the general public to be better informed about the ongoing cases.

This newsletter presents general information regarding the ongoing trials before the Kosovo Specialist Chambers (KSC) during the six-month period covering January-June 2023.

Currently, four (4) cases are being adjudicated by the KSC. Prosecutor vs. Hashim Thaçi and others; Prosecutor vs. Pjeter Shala; Prosecutor vs. Salih Mustafa; and Prosecutor vs. Hysni Gucati and Nasim Haradinaj.



FORWARDING OF CASES TO THE TRIAL PANEL

Prosecutor vs. Hashim Thaçi and others

Hashim Thaçi, Kadri Veseli, Jakup Krasniqi and Rexhep Selimi, all with high positions in the KLA, are accused by the Prosecution for war crimes and crimes against humanity, for the period covering March 1998 to September 1999, in several locations in Kosovo and Albania, which are alleged to have been committed by members of the KLA against hundreds of civilians and persons who did not participate in fighting.

The pre-trial procedure in this case lasted about two and a half years. At the beginning of April 2023, the main trial began with the presentation of the opening statements of the parties in proceedings.

During the period January - June 2023, a total of 28 court hearings were held, where 11 witnesses proposed by the prosecution were heard. All witnesses heard during this period have had their identities hidden from the public.

The trial is continuing intensively with the hearing of witnesses proposed by the prosecution.

All the accused have been in custody since November 2020.

Prosecutor vs. Pjetër Shala

Pjetër Shala, a member of the KLA, is accused by the prosecution for war crimes for the period between May 17, 1999 and June 5, 1999, against persons detained in the metal factory in Kukës/Kukeš, Albania.

The duration of the pre-trial procedure in this court case was about two years. During the reporting period, January - June 2023, 18 court hearings were held, in which 9 witnesses proposed by the prosecution, two of whom forensic experts were heard.

Most of witnesses heard during this period have had their identities hidden from the public.

Pjetër Shala continues to remain in custody since his arrest in March 2021.

PROCEEDINGS IN THE SECOND INSTANCE - COURT OF APPEALS

Prosecutor vs. Salih Mustafa

Salih Mustafa, commander of the BIA unit of the KLA, is accused of war crimes, which were allegedly committed during the month of April 1999 in the village of Zllash/Zlaš of Prishtina/Priština Municipality.

On December 16, 2022, the first instance court found him guilty and sentenced him to 26 years in prison for the war crimes of arbitrary detention, torture and illegal killing.

On April 6, 2023, the trial panel issued an order for compensation of the victims, which required payment of €207,000 as compensation for the damage caused to crime victims.

The procedure is now at the second instance, soon it is expected that the Appeals Chamber will decide on the appeal submitted by Mustafa's defense against the first instance judgment.

Salih Mustafa continues to remain in custody since his arrest in September 2020.

PROCEEDINGS IN THE THIRD INSTANCE - SUPREME COURT

Prosecutor vs. Hysni Gucati and Nasim Haradinaj

The defendants Hysni Gucati and Nasim Haradinaj were charged with criminal offenses against public order and obstruction of administration of justice and public administration. On May 18, 2022, the jury found both accused guilty of obstructing official persons in the performance of official duties, intimidation during criminal proceedings and violation of the secrecy of proceedings and sentenced each accused to 4 years and 6 months in prison.

After the appeal of the first instance decision by the defense counsel of defendants, on February 2, 2023 the Court of Appeal announced a conviction judgment and sentenced them to 4 years and 3 months of imprisonment. **This Decision is final.**

At the beginning of May 2023, the defense counsel of defendants submitted requests for protection of legality to the Supreme Court.

So far, no decision has been taken regarding the requests for protection of legality by the Supreme Court Chamber.

Since the arrest of the defendants at the end of September 2020, they have been remanded in custody. Following the decision of the second instance court, the defendants are serving their sentences starting from the beginning of February 2023.

HLCK FINDINGS:

The court should ensure that the main hearings are more transparent and open to the public because these judicial proceedings are being followed with a great interest by monitors and the media.

It is quite positive that the main trials are being held intensively, without delay and in accordance with trial standards within a reasonable time.

The order for victim compensation issued in the case of the Prosecutor vs. Salih Mustafa should be taken seriously by the government of Kosovo and legal mechanisms should be created to realize the rights of the injured party.

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