

TRIALS BEFORE THE KOSOVO SPECIALIST CHAMBERS

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

the flow of court cases. The present newsletter presents general information on the flow of trials before the Kosovo Specialist Chambers (KSC) during the six-month period covering January-June 2022.

Currently, four (4) cases are being adjudicated by the KSC. The case Prosecutor v. Hashim Thaçi and others and the Prosecutor v. Pjetër Shala are still in pre-trial proceedings, the case Prosecutor v. Salih Mustafa is in trial stage before the First Instance Chamber, while the case Prosecutor v. Hysni Gucat and Nasim Haradinaj is in trial stage before the Appellate Chamber.



CASES IN THE PRELIMINARY PROCEEDINGS

Prosecutor v. Pjeter Shala - Defendant Pjeter Shala is accused by the Specialist Prosecution Office (SPO) for war crimes under international law. The indictment against him was confirmed on June 12, 2020 and the defendant was arrested on March 16, 2021 in Belgium and transferred to the detention unit in The Hague on April 15, 2021. In his first appearance before the pre-trial judge, namely on April 19, 2021, Shala pleaded not guilty to all counts of the indictment. This case is still in pre-trial proceedings while the defendant is in pre-trial detention since the date of his transfer.

During the period January-June 2022, a total of three (3) status conferences were held. In these sessions there was a discussion mainly on the discovery of the preliminary file and the preparation for the main trial. On January 28, 2022, the SPO submitted the pre-trial file, while, August 31, 2022 was scheduled as the preliminary date for the transfer of the case file to the trial panel, by verbal order of the pre-trial judge to The Hague.

In the case **Prosecutor v. Hashim Thaqi and others** - Defendants Hashim Thaqi, Kadri Veseli, Jakup Krasniqi and Rexhep Selimi are charged by the SPO for war crimes and crimes against humanity under international law. Defendants were transferred to the detention facility in The Hague on November 4 and 5, 2020. The first version of the indictment against them was confirmed on 26 October 2020 and made public on 5 November 2020. Meanwhile, this indictment underwent several modifications, including a number of new charges.

During the period January-June 2022, a total of eight (8) sessions were held on this case. During these sessions, there was mainly discussion about the deadlines for obtaining the physical evidence of the SPO, the exculpatory materials, the protective measures that are being used against witnesses, as well as the deadlines for the preparation of investigations by the defense.

The case is still in pre-trial proceedings and the defendants are in custody.

THE CASE IN THE FIRST INSTANCE CHAMBER

Prosecutor v. Salih Mustafa - The defendant Salih Mustafa is accused by the SPO for war crimes under international law. Mustafa was transferred to the detention facility in The Hague on September 24, 2020. The indictment against him was confirmed on June 12, 2020. The first- instance trial began in June 2020, and by the end of June 2022, a total of 29 witnesses were heard (14 from the SPO and 15 from the Defense). Among them were ten (10) anonymous witnesses proposed by SPO who testified about the ill-treatment that occurred at the detention center in Zllash/Zlaš during April 1999.

During the period January-June 2022, a total of twenty-eight (28) sessions were held on this case. The procedure of presenting evidence in this case has been completed. The next session is scheduled for September 13, 2022, where the parties to the procedure will present their closing arguments.

The case is still being tried and the defendant has been in custody since the day of his arrest.

CASES BEFORE THE COURT OF APPEAL

The case **Prosecutor v. 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. They were arrested on September 25, 2020 and transferred to the detention unit in The Hague, Netherlands. The indictment against them was confirmed on December 11, 2020, and was modified on July 5, 2021. The trial in this case started on October 7, 2021, and on May 18, 2022, the panel headed by Judge Charles L. Smith III announced the verdict in this case, where he found the defendants guilty of three criminal offenses: breach of confidentiality of proceedings, intimidation during criminal proceedings and obstruction of the official person in the performance of official duties. Both defendants were sentenced to an aggregated sentence of four (4) years and six (6) months of imprisonment. Now the proceedings are in the second instance chamber after the appeal lodged against the verdict by the defense. The Prosecution has announced that it will not appeal the first instance chamber decision.

During the period January-June 2022, a total of thirteen (13) sessions were held on this case.

Here you can read the HLCK release on the occasion of announcement of the first instance chamber verdict in the case against Gucati and Haradinaj.

During the period January - June 2022, a total of fifty-two (52) court sessions were held before the Kosovo Specialist Chambers in all court cases, including status conferences.

HLCK FINDINGS

The written judgment was also published on the same day as the announcement of the First Instance Chamber judgment against Gucati and Haradinaj. This action should be appreciated since such a practice is quite transparent and professional for the parties and the general public.

You can read more about war crimes cases in Kosovo in the annual reports published by the Humanitarian Law Center Kosovo, <https://hlc-kosovo.org/sq/publikimet>.



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