

In: KSC-BC-2020-06
The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and
Jakup Krasniqi

Before: President of The Kosovo Specialist Chambers
Dr Ekaterina Trendafilova

Registrar: Dr Fidelma Donlon

Filed by: Jelena Cakić, Counsel for Denied Applicants

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**CORRECTED PUBLIC REDACTED VERSION OF REQUEST FOR THE
EXTENSION OF DEADLINE FOR APPEAL ON FOURTH DECISION ON
VICTIM'S PARTICIPATION**

DISTRIBUTION : Victim's Participation Office

Head of VPO

Counsel for Victims

Simon Laws

Counsel for Denied Applicants

Jelena Cakić

I SECTION

1. On 26 October 2020, the Pre-Trial Judge confirmed the indictment against Hashim Thaçi (“Mr Thaçi”), Kadri Veseli (“Mr Veseli”), Rexhep Selimi and Jakup Krasniqi (collectively “Accused” or “Defence”) (“Confirmed Indictment”).¹

2. On 4 January 2021 and 6 July 2021, the Pre-Trial Judge issued the “Framework Decision on Victims’ Applications” (“First Framework Decision”) and the “Second Framework Decision on Victims’ Applications”, thus establishing the principles governing the admission of victims to participate in the proceedings.²

3. On 21 April 2021, 10 December 2021, and 25 May 2022, the Pre-Trial Judge issued the first, second and third decisions on victims’ participation, admitting 32 victims to participate in the proceedings and rejecting eight application- (“First Decision on Victims’ Participation”, “Second Decision on Victims’ Participation” and “Third Decision on Victims’ Participation”, respectively).³

¹ KSC-BC-2020-06, F00789/A01, Specialist Prosecutor, Amended Indictment, 29 April 2022, strictly confidential and ex parte. Confidential redacted and public redacted versions were filed on the same day, F00789/A02 and F00789/A05, respectively. Following the decision authorising additional amendments to the charges, a further amended indictment was submitted on 30 September 2022, strictly confidential and ex parte (F00999/A01), with confidential redacted (F00999/A02) and public redacted (F00999/A03) versions.

² KSC-BC-2020-06, F00159, Pre-Trial Judge, Framework Decision on Victims’ Applications, 4 January 2021, public; F00382, Pre-Trial Judge, Second Framework Decision on Victims’ Applications (“Second Framework Decision”), 6 July 2021, public.

³ KSC-BC-2020-06, F00257, Pre-Trial Judge, First Decision on Victims’ Participation, 21 April 2021, confidential, para. 85(a), (f). A public redacted version was issued on the same day, F00257/RED; F00611, Pre-Trial Judge, Second Decision on Victims’ Participation, 10 December 2021, strictly confidential and ex parte, para. 70(a)-(c). Confidential redacted and public redacted versions were issued on the same day, F00611/CONF/RED and F00611/RED; F00817, Pre-Trial Judge, Third Decision on Victims’ Participation, 25 May 2022, strictly confidential and ex parte, para. 50(a). A public redacted version was issued on the same day, F00817/RED.

4. On 25 January 2022, the Victims' Participation Office ("VPO") filed a fourth report on victims' applications, transmitting 16 applications ("Fourth Registry Report").⁴
5. On 10 February 2022, the Defence for Mr Thaçi ("Thaçi Defence") responded to the Fourth Registry Report ("Thaçi Response").⁵
6. On 29 April 2022, following the Pre-Trial Judge's confirmation of amendments to the charges, the Specialist Prosecutor's Office ("SPO") filed an amended indictment ("Amended Indictment").⁶
7. On 22 July 2022, the VPO filed a fifth report on victims' applications, transmitting 25 applications ("Fifth Registry Report").⁷
8. On 31 May a Panel of the Court of Appeals Chamber ordered Decision on Counsel's Motion for Clarification and Variation of Time Limit.⁸
9. On 12 December Pretrial Judge ordered Fourth Decision on Victims participation.⁹
10. By the decision of VPO on 20 December 2022, I was appointed as the Victim's Counsel of the group of victims who were rejected for participation in the procedure by the Fourth Decision on participation of victims (V.23,V-29,V-30/06,V-31/06,V-32/06,V-42/06,V-43/06,V-48/06,V-49/06,V-50/06,V-51/06,V-52/06,V-60/06,V-61/06,V-62/06,69/06,81/06,83/06,87/06).

⁴ KSC-BC-2020-06, F00656, VPO, Fourth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 25 January 2022, public, with Annexes 1-17, strictly confidential and ex parte.

⁵ KSC-BC-2020-06, F00685, Specialist Counsel, Thaçi Defence Response to Fourth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 10 February 2022, public.

⁶ KSC-BC-2020-06, F00789/A01, Specialist Prosecutor, Amended Indictment, 29 April 2022, strictly confidential and ex parte. Confidential redacted and public redacted versions were filed on the same day, F00789/A02 and F00789/A05, respectively. Following the decision authorising additional amendments to the charges, a further amended indictment was submitted on 30 September 2022, strictly confidential and ex parte (F00999/A01), with confidential redacted (F00999/A02) and public redacted (F00999/A03) versions.

⁷ KSC-BC-2020-06, F00894, VPO, Fifth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 22 July 2022, public, with Annexes 1-26, strictly confidential and ex parte.

⁸ KSC-BC-2020-06/IA005/F00003, A Panel of the Court of Appeals Chamber, 31 May 2021, public.

⁹ KSC-BC-2020-06, F0001152, Pre-Trial Judge, 12 December 2022

II SECTION

11.Pursuant to Rule 113 (1) after confirmation of the indictment by the Pre-Trial Judge pursuant to Rule 86 and sufficiently in advance of the opening of the case pursuant to Rule 124, a person claiming to be a victim of a crime alleged in the indictment may file an application for admission as a victim participating in the proceedings, specifying how he or she qualifies as a victim and providing the location and date of an alleged crime giving rise to harm. ¹⁰

12.Pursuant to the Rule 113 (6) ,denied applicants may appeal as of right the decision within fourteen (14) days with the assistance, if necessary, of Counsel from the List of Victims' Counsel assigned to them as a group.

13.Pursuant to Rule 9 (1)) time limits under the Rules are calculated by calendar days. Pursuant to Rule 9 (2) (1) time limits run from the first working day after the notification of the relevant filing in the working language(s) determined by the Panel.

14.Pursuant to Rule 9 (5) , the Panel may, proprio motu or upon showing good cause: (a) extend or reduce any time limit prescribed by the Rules or set

¹⁰ KSC-BD-03/Rev3/2020, Rules of procedure and evidence before Kosovo Specialist Chambers (adopted on 17 March 2017, revised on 29 May 2017, amended on 29 and 30 April 2020) including Rules of procedure for the Specialist Chamber of the Constitutional Court (adopted and entered into force on 21 July 2017, amended on 13 March 2020)

by the Panel; or (b) recognise as valid any act carried out after the expiration of the time limit.

III SECTION

15.The group of victims for which I was appointed includes [REDACTED]persons, [REDACTED], while there are [REDACTED] victims, [REDACTED],

according to the descriptions in the applications.Some of the clients [REDACTED], in different cities.After the initial communication we've agreed to meet in person after they receive the notifications, so that they can read it before.

16.In the initial communication, and working on the case, I've noticed that some of them haven't put in applications all the informations and documents they posses, so as their Counsel I need some time to collect this material.

17.Considering the time of the appointment, which are holidays both in the Netherlands and in Serbia, I am not able to visit all the victims personally within the deadline and inform them about their legal situation.

18.Also, access to [REDACTED] is partly difficult for me, because as a Duty Counsel [REDACTED], and traveling to [REDACTED] can [REDACTED].The meeting with these clients I will suggest to be organized [REDACTED].

19.As Duty Counsel I have no right to hire a team, as explained to me by the VPO.

20. Access to the LW electronic database was made possible for me relatively recently, with the fact that I had a training on the 1 February. [REDACTED]. The working language in this course is English.

21. Of all the applicants, most of them of them received notifications on January 23, 2023, while two of them haven't received it yet.

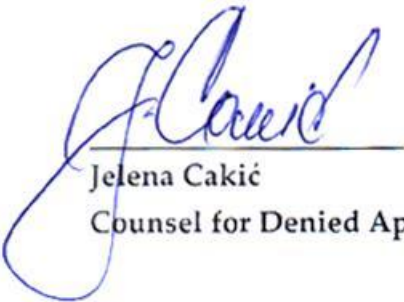
22. The trial in this case is scheduled for March 1, 2023 .

23. Considering all of this, I am seeking for extension of the deadline for appeal to 15 February 2023 , considering it is the group of victims. As the argumentation for denying participation is almost the same for all the applicants, it would be efficient to submit joint Appeal against decision.

III CLASSIFICATION

1. This filing is submitted as STRICTLY CONFIDENTIAL and *ex parte* consistent with the current classification of Fourth Decision on victims participation.

Word count: 8680



Jelena Cakić
Counsel for Denied Applicants

2 February 2023

At Nis, Republic of Serbia