

In: KSC-BC-2020-06/IA26
**The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi
and Jakup Krasniqi**

Before: A Panel of the Court of Appeals Chamber
Judge Michèle Picard
Judge Emilio Gatti
Judge Kai Ambos

Registrar: Fidelma Donlon

Filed by: Gregory Townsend, Counsel for Denied Applicant, Victim 24/06

Date: 11 February 2023

Language: English

Classification: Public

**Public Redacted Version of
Appeal of Victim 24/06 against the “Fourth Decision on Victims’ Participation”
pursuant to Rule 113(6) of the Rules**

Acting Specialist Prosecutor

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Gregory Kehoe

Counsel for Denied Applicant, Victim 24/06

Gregory Townsend

Counsel for Kadri Veseli

Ben Emmerson

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Counsel for Rexhep Selimi

David Young

Counsel for Victims

Simon Laws

Counsel for Jakup Krasniqi

Venkateswari Alagenda

1. Counsel for Victim 24/06 lodges this Appeal on behalf of his client, pursuant to Rule 113(6) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (Rules),¹ so that this Panel of the Court of Appeals Chamber can:

(a) reverse the “Fourth Decision of Victims’ Participation”² (Impugned Decision), insofar as it made an error as to Victim 24/06, to remedy an error and an injustice;

(b) hold that there exists sufficient evidence for a *prima facie* finding that the direct victim (related to Victim 24/05) was [REDACTED], falling squarely within the scope of paragraph [REDACTED] of the indictment in this case [REDACTED], and;

(c) admit Victim 24/06 to participate in the proceedings.

I. GROUND OF APPEAL

2. Victim 24/06 submits that, contrary to the Pre-Trial Judge’s finding in the Impugned Decision, at paras 42(a), 47, and 73(b), the harm suffered by the direct victim related to Victim 24/06 falls under the temporal, geographic, and material scope of the crimes alleged in the indictment in this case. Finding “(i)”, at para. 42(a) of the Impugned Decision, that there does not exist *prima facie* information “that the direct victim was held at one of the detention sites identified in the Amended Indictment” is wrong and fails to consider relevant, available evidence, as this Appeal shows.

II. THE DIRECT VICTIM FALLS WITHIN THE SCOPE OF CHARGED CRIMES

3. [REDACTED] the indictment in this case lists, at [REDACTED] a detention site, for detention occurring within the approximate dates of [REDACTED]” with an “*approximate*” minimum number of [REDACTED] “*known victims*”, who are not named or listed. Entry [REDACTED] is meant to be *non-exhaustive*.

¹ Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020.

² F00008, Fourth Decision on Victims’ Participation, 12 December 2022.

4. The victim participation application of Victim 24/06, based on the information known to Victim 24/06 at that time, while mentioning [REDACTED], admittedly does not dispositively prove that the direct victim was detained there. Since filing that application in [REDACTED], Victim 24/06 has recently come to learn that [REDACTED] with respect to the direct victim.

5. Counsel for Victim 24/06, since being appointed on 20 December 2022, has also identified [REDACTED] which establishes that there existed sufficient evidence for a *prima facie* finding that the direct victim related to Victim 24/05 was detained “[REDACTED]”, falling squarely within the scope of [REDACTED] of the indictment in this case and detention site [REDACTED].

6. [REDACTED].³

7. Notably, here, [REDACTED], that the direct victim was detained at [REDACTED] detention site at the relevant dates. Thus, [REDACTED] falls within the scope of paragraph [REDACTED] of the indictment in this case. This information has been in the public domain since [REDACTED].

8. Counsel for Victim 24/06 notes that [REDACTED] that reads, *inter alia*: [REDACTED] (emphasis added).⁴

9. To demonstrate the extent of the [REDACTED] evidence showing a *prima facie* case that the direct victim was indeed detained at [REDACTED] detention site at the relevant time frame—and therefore falling within the scope of paragraph [REDACTED] of the indictment in this case—Counsel for Victim 24/06 attaches 7 annexes, namely an index and six [REDACTED] documents from [REDACTED]. This [REDACTED] evidence, taken with Victim 24/06’s application, shows that Victim 24/06 should be admitted as a victim in this case.

10. That consideration was not given earlier to this [REDACTED] information in connection with the victim participation application of Victim 24/06 (and unknown previously to Victim 24/06) amounts to a procedural error and an injustice that this

³ [REDACTED]

⁴ [REDACTED]

Panel of the Court of Appeals Chamber should remedy by reversing the Impugned Decision with respect to Victim 24/06, finding that sufficient *prima facie* evidence exists as to the direct victim, and admitting Victim 24/06 to participate in these proceedings.

III. PRAYER

11. Counsel for Victim 24/06 prays that this Panel of the Court of Appeals Chamber:

(a) REVERSE the “Fourth Decision of Victims’ Participation” (Impugned Decision) as to Victim 24/06 to remedy an error and injustice;

(b) HOLD that there exists sufficient evidence for a *prima facie* finding that the direct victim related to Victim 24/05 was detained “[REDACTED]”, falling squarely within the scope of paragraph [REDACTED] of the indictment in this case and detention site [REDACTED], and;

(c) ADMIT Victim 24/06 to participate in the proceedings, in light of the present procedural posture of the case (it being no longer within the competence of the Pre-Trial Judge); or *in the alternative*, remand the application of Victim 24/06 to the Trial Chamber for further consideration consistent with the above holdings.

IV. CLASSIFICATION

12. Counsel for Victim 24/06 submits this Appeal as strictly confidential and *ex parte*, consistent with the current classification of the application of Victim 24/06 as it contains information that would reveal the identity of Victim 24/06. Counsel for Victim 24/06 will soon file a public redacted version of this Appeal.

Word count: 1,274

Respectfully submitted,

A handwritten signature in blue ink that reads "Gregory Townsend". The signature is written in a cursive style with a large initial 'G'.

Gregory Townsend
Counsel for Denied Applicant, Victim 24/06

Saturday, 11 February 2023
At Geneva, Switzerland