

In: **KSC-BC-2020-06/IA026**
The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and
Jakup Krasniqi

Before: **Judge Michele Picard**
Judge Emilio Gatti
Judge Kai Ambos

Registrar: **Dr Fidelma Donlon**

Filed by: Jelena Cakić, Counsel for Denied Applicants

Date: 13 March 2023

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Classification: Public

**Corrected version of public redacted version of Victims' Counsel Appeal on Fourth
Decision on victims' participation**

Victim's Participation Office	Counsel for Hashim Thaçi
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	Ben Emmerson
Counsel for Victims	Counsel for Rexhep Selimi
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Counsel for Denied	Counsel for Jakup Krasniqi
Applicants Jelena Cakić	Venkateswari Alagendra

1. The Victims' Counsel lodges this Appeal¹ on behalf of her clients,² pursuant to Rule 113(6) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules),³ so that this Panel of the Court of Appeals Chamber can: reverse the "Fourth Decision of Victims' Participation", hold that there exists sufficient evidence for a *prima facie* finding that the direct victims⁴ were victims of the crimes detention, other inhumane acts and cruel treatment, torture, murders, enforced disappearing, falling squarely within the scope of paragraph 64,66,101,142,143,180 of the indictment in this case, and admit the Victims to participate in the proceedings. In this respect, Victims' Counsel respectfully submits that the Pre-Trial Judge erred in law and in fact for the following reasons:

2. Denied applicants notice the principles established by Court of Appeals for the participating in the procedure.⁵ The applications were not properly filed⁶, nor were the applicants able to provide for further details in this phase of trial proceedings, which affected their right to fair trial. Furthermore, the procedure in which they were excluded from Investigation and Pre-Trial phases afflicted their right to recognition as a victims of serious human rights violations. [REDACTED].⁷

¹ KSC-BC-2020-06/IA026/F00005 Decision on Request for Extension of Time to File Appeal Against Fourth Decision on Victims' Participation

² Except V-24/06,KSC-BC-2020-06/F011821, A01,A02 , Notification of Assignment of Two Counsel to Denied Applicants with two confidential and *ex parte* Annexes , The Registrar,28 December 2022

³ KSC-BD-03/Rev3/2020, 2 June, Rules of procedure and evidence before Kosovo Specialist Chambers

⁴ ICC-01/04-01/06 OA9 OA10, Judgement on the Appeals of the Prosecutor and the Defense against Trial Chamber I's Decision on Victims' Participation of 18 January 2008, 11 July 2008, para 1,2

⁵ KSC-BC-2020-06, IA005/F00008, Court of Appeals, Decision on Appeal Against "First Decision on Victims' participation, 16 July 2021, public

⁶ For example, they didn't reported about proceedings before other courts/prosecutors, nor they were able to eventually provide evidences from these proceedings;


⁷ KSC-BC-2020-06, F00159, Pre-Trial Judge, Framework Decision on Victims' Applications ("Framework Decision"), 4 January 2021, public,KSC-BC-2020-06,F00382, Pre-Trial Judge, Second framework Decision on Victims' Applications, 6 July 2021, public

3. [REDACTED]
4. [REDACTED]⁸ [REDACTED]⁹. [REDACTED]¹⁰. REDACTED¹¹;
5. [REDACTED]¹². [REDACTED]
6. [REDACTED]¹³.
7. There are difficulties on the side of the applicants [REDACTED]¹⁴

8. Denied applicants propose to the Panel of Appeals Chamber to reverse the Fourth Decision on Victims Participation, finding that sufficient *prima facie* evidence exists, and admitting Denied Victims to participate in these proceedings.

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

Word count: 4184



Jelena Cakić
Counsel for Denied Applicants

13 March 2023

At Nis, Republic of Serbia

⁸ Redacted

⁹ Redacted

¹⁰ Redacted

¹¹ Law No.05/L-053, Article 37,para 1

¹² Redacted

¹³ Redacted

¹⁴ Annex No.9, Annex No.10