



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

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

**Before:** Trial Panel II  
Judge Charles L. Smith, III, Presiding Judge  
Judge Christoph Barthe  
Judge Guénaël Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Fidelma Donlon

**Date:** 30 April 2024

**Language:** English

**Classification:** Public

---

**Public Redacted Version of Notification of Application Forms of Dual Status Witnesses to the Prosecution, Victims' Counsel, and the Victims' Participation Office Pursuant to F01348**

**with strictly confidential and *ex parte* Annexes 1-10**

---

**Specialist Prosecutor's Office**

Kimberly P. West

**Counsel for Hashim Thaçi**

Luka Mišetić

**Victims' Participation Office**

Head of VPO

**Counsel for Kadri Veseli**

Ben Emmerson

**Counsel for Victims**

Simon Laws

**Counsel for Rexhep Selimi**

Geoffrey Roberts

**Counsel for Jakup Krasniqi**

Venkateswari Alagendra

**TRIAL PANEL II** (“Panel”), pursuant to Articles 21(4) and 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), hereby issues the following notification.

1. On 6 March 2023, the Panel decided that, in order to ensure a fair proceeding, the Defence should have access to redacted versions of Section 2 of the application forms, and any supporting document without which Section 2 of any application form would be incomprehensible, of dual status witnesses (“Order”).<sup>1</sup> The Panel transmitted those materials pertaining to the witnesses in the list of the first 12 Specialist Prosecutor’s Office (“SPO”) witnesses to the SPO and Victims’ Counsel on an *ex parte* basis, and ordered the SPO and Victims’ Counsel to confer on any necessary redactions before transmission to the Defence.<sup>2</sup>
2. On 14 March 2023, the SPO and Victims’ Counsel jointly filed observations on the materials transmitted with the Order.<sup>3</sup>
3. On 6 June 2023, 16 June 2023, and 8 January 2024, the Panel transmitted additional application forms and supporting material of dual status witnesses to

---

<sup>1</sup> F01348, Panel, *Order on the Disclosure of Application Forms Pertaining to Dual Status Witnesses*, 6 March 2023, para. 30, with strictly confidential and *ex parte* Annexes 1-3. On 14 March 2023, Victims’ Counsel filed a request pursuant to Rule 79 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers for reconsideration of the Panel’s order (see F01371, Victims’ Counsel, *Victims’ Counsel’s Request for Reconsideration of the “Trial Panel’s Order on the Disclosure of Application Forms Pertaining to Dual Status Witnesses with strictly confidential and ex parte Annexes 1-3”*, 14 March 2023). The Panel denied the request (see F01448, Panel, *Decision on Victims’ Counsel’s Request for Reconsideration of Trial Panel II’s “Order on the Disclosure of Application Forms Pertaining to Dual Status Witnesses”*, 12 April 2023, public).

<sup>2</sup> Order, para. 25.

<sup>3</sup> F01368, Specialist Prosecutor and Victims’ Counsel, *Prosecution and Victims’ Counsel Joint Observations Pursuant to Order F01348*, 14 March 2023, with strictly confidential and *ex parte* Annex 1.

the SPO and Victims' Counsel.<sup>4</sup> The Panel received joint observations on these filings from the SPO and Victims' Counsel.<sup>5</sup>

4. On 22 January 2024, the Panel rendered a decision on the fourteenth report of the Registry on victim participation ("Decision on the 14<sup>th</sup> Report"), in which the Panel admitted nine SPO witnesses to participate as victims in the proceedings.<sup>6</sup> The Panel sought submissions from Victims' Counsel on whether the applicants had any concerns about the disclosure of their application forms to the Parties.<sup>7</sup>

5. On 2 February 2024, in response to the Panel's Decision on the 14<sup>th</sup> Report, Victims' Counsel indicated to the Panel via email that the admitted victims did not raise any concerns relating to the disclosure of their application forms to the Parties.<sup>8</sup>

6. On 8 February 2024, the Panel rendered a decision on the fifteenth report of the Registry on victim participation ("Decision on the 15<sup>th</sup> Report"), rejecting the application of an SPO witness, [REDACTED], to participate as a victim in the

---

<sup>4</sup> F02043, Panel, *Order on Victims' Counsel's Notification and Request to Lift Redactions*, 8 January 2024, strictly confidential and *ex parte*, with strictly confidential and *ex parte* Annex 1; F01611, Panel, *Notification of Application Forms of Dual Status Witnesses to the Prosecution and Victims' Counsel Pursuant to F01348*, 16 June 2023, strictly confidential and *ex parte*, with strictly confidential and *ex parte* Annexes 1-59; F01579, Panel, *Notification of Application Forms of Dual Status Witnesses to the Prosecution and Victims' Counsel Pursuant to F01348*, 6 June 2023, strictly confidential and *ex parte*, with strictly confidential and *ex parte* Annexes 1-3.

<sup>5</sup> F02047, Specialist Prosecutor and Victims' Counsel, *Prosecution and Victims' Counsel Joint Observations on Filing F02043*, 9 January 2024, strictly confidential and *ex parte*; F01633, Specialist Prosecutor and Victims' Counsel, *Prosecution and Victims' Counsel Joint Observations on Filing F01611*, 30 June 2023, strictly confidential and *ex parte*, with strictly confidential and *ex parte* Annexes 1-12; F01584, Specialist Prosecutor and Victims' Counsel, *Prosecution and Victims' Counsel Joint Observations on Filing F01579*, 7 June 2023, strictly confidential and *ex parte* (reclassified as "public" on 8 June 2023).

<sup>6</sup> F02071, Panel, *Decision on Resubmission of the Fourteenth Registry Report on Victims' Applications for Participation in the Proceedings*, 22 January 2024, strictly confidential and *ex parte*, para. 43(b). A public lesser redacted version was filed on 29 April 2024 (F02071/RED2).

<sup>7</sup> Decision on the 14<sup>th</sup> Report, para. 36.

<sup>8</sup> CRSPD432, Victims' Counsel, *Email from Victims' Counsel to CMU Regarding F02071*, 2 February 2024, confidential.

proceedings.<sup>9</sup> In that decision, the Panel ordered the Victims' Participation Office ("VPO") to inform [REDACTED] that: (i) the fact that he applied to participate as a victim in the proceedings would be disclosed to the Parties; and (ii) the redacted application form would be disclosed to the Defence. The Panel sought submissions from the VPO on whether the applicant had any concerns about the disclosure of his application form to the Parties.<sup>10</sup>

7. On 23 February 2024, in response to the Panel's Decision on the 15<sup>th</sup> Report, the Registry filed observations indicating that although [REDACTED] did express some frustration with his application being rejected, he did not express any concerns as regards the existence and redacted content of his application being shared with the Parties.<sup>11</sup> The Panel therefore notes that, while [REDACTED] is not a dual status witness, he has expressly been informed that his redacted application form would be disclosed to the Defence, and he has not expressed any concerns in this regard.

8. The Panel recalls that the answers in Section 2 of an application for participation as a victim in the proceedings may contain: (i) information that, if in the possession of the SPO, is disclosable under Rule 103; or (ii) a narrative of the relevant events that is consistent with other prior statements given by the witness or with the testimony that the witness gives at trial.<sup>12</sup> The Panel therefore transmits in Annex 10 to the present notification the application form of [REDACTED] to the SPO and the VPO for their observations on any redactions necessary before the Panel transmits the form to the Defence. Consistent with the deadlines issued to the SPO

---

<sup>9</sup> F02114, Panel, *Decision on the Fifteenth Registry Report on Victims' Applications for Participation in the Proceedings* ("Decision on the 15<sup>th</sup> Report"), 8 February 2024, confidential, para. 15(a). A public redacted version was filed the same day (F02114/RED).

<sup>10</sup> Decision on the 15<sup>th</sup> Report, para. 14.

<sup>11</sup> F02149, Registrar, *Submission Pursuant to the Decision on the Fifteenth Registry Report on Victims' Applications for Participation in the Proceedings*, 23 February 2024, confidential, para. 6.


<sup>12</sup> See Order, para. 22.

and Victims' Counsel in the past, as set out in the Order,<sup>13</sup> the Panel instructs the SPO and VPO to submit observations one week from the date of this notification.

9. Furthermore, pursuant to paragraph 30(b) and (c) of the Order, the Panel hereby transmits the application forms listed below and, where appropriate, supporting material to the SPO and Victims' Counsel for the victims admitted to participate in the Panel's Decision on the 14<sup>th</sup> Report.

10. The Panel recalls that, pursuant to the Order, the SPO and Victims' Counsel must submit their observations within one week after receiving the materials.

Annex	Victim Pseudonym	Witness Pseudonym
1	V286/06	[REDACTED]
2	V287/06	[REDACTED]
3	V288/06	[REDACTED]
4	V289/06	[REDACTED]
5	V290/06	[REDACTED]
6	V291/06	[REDACTED]
7	V292/06	[REDACTED]
8	V293/06	[REDACTED]
9	V294/06	[REDACTED]



**Judge Charles L. Smith, III**  
**Presiding Judge**

Dated this Tuesday, 30 April 2024  
 At The Hague, the Netherlands.

<sup>13</sup> Order, para. 30(c).