



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-06
**The 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 Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 22 May 2024

Language: English

Classification: **Public**

**Public Redacted Version of Notification of Application Forms of Dual Status
Witnesses to the Defence Pursuant to F01348
with confidential Annexes 1-10**

Specialist Prosecutor's Office
Kimberly P. West

Counsel for Hashim Thaçi
Luka Mišetić

Counsel for Victims
Simon Laws

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
Geoffrey Roberts

Counsel for Jakup Krasniqi
Venkateswari Alagenda

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 notifies the Parties and participants of the following.

1. On 6 March 2023, the Panel decided that, in order to guarantee the fairness of proceedings, the Defence should have access to redacted versions of Section 2 of the application forms of dual status witnesses and any supporting documentation without which Section 2 of any application form would be incomprehensible (“Order”).¹ The Panel transmitted relevant material pertaining to the participating victims 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 consult and inform the Panel in respect of any necessary redactions before transmission to the Defence.²

2. On 12 April 2023, after receiving observations from the SPO and Victims’ Counsel,³ the Panel transmitted the application forms and supporting material, where appropriate, to the Defence for the first three dual status witnesses.⁴ After hearing from the SPO and Victims’ Counsel,⁵ the Panel transmitted batches of

¹ 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).

² Order, para. 25.

³ 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.

⁴ F01449, Panel, *Notification of Application Forms of Dual Status Witnesses to the Defence Pursuant to F01348*, 12 April 2023, confidential, with confidential Annexes 1-3.

⁵ F01584, Specialist Prosecutor and Victims’ Counsel, *Prosecution and Victims’ Counsel Joint Observations on Filing F01579*, 7 June 2023, 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; F02047, Specialist

additional application forms of dual status witnesses to the Defence on 8 June 2023,⁶ 13 July 2023,⁷ and 10 January 2024.⁸

3. On 22 January 2024, the Panel rendered a decision on the fourteenth report of the Registry on victim participation (“Decision on the 14th Report”), in which the Panel admitted nine SPO witnesses as participating victims in the proceedings.⁹ The Panel sought submissions from Victims’ Counsel on whether the applicants had any concerns about the disclosure of their application forms to the Parties.¹⁰

4. On 2 February 2024, in response to the Panel’s Decision on the 14th Report, Victims’ Counsel indicated that the admitted victims did not raise any concerns relating to the disclosure of their application forms to the Parties.¹¹

5. On 8 February 2024, the Panel rendered a decision on the fifteenth report of the Registry on victim participation (“Decision on the 15th Report”), rejecting the application of an SPO witness, [REDACTED], to participate as a victim in the proceedings.¹² In that decision, the Panel ordered the Victims’ Participation Office (“VPO”) to inform the individual concerned 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

Prosecutor and Victims’ Counsel, *Prosecution and Victims’ Counsel Joint Observations on Filing F02043*, 9 January 2024, strictly confidential and *ex parte*.

⁶ F01587, Panel, *Notification of Application Forms of Dual Status Witnesses to the Defence Pursuant to F01348*, 8 June 2023, confidential, with confidential Annexes 1-3.

⁷ F01676, Panel, *Notification of Application Forms of Dual Status Witnesses to the Defence Pursuant to F01348*, 13 July 2023, confidential, with confidential Annexes 1-59.

⁸ F02052, Panel, *Notification of Application Form of Dual Status Witness [REDACTED] to the Defence Pursuant to F01348*, 10 January 2024, confidential, with confidential Annex 1.

⁹ 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).

¹⁰ Decision on the 14th Report, para. 36.

¹¹ CRSPD432, Victims’ Counsel, *Email from Victims’ Counsel to CMU Regarding F02071*, 2 February 2024, confidential.

¹² F02114, Panel, *Decision on the Fifteenth Registry Report on Victims’ Applications for Participation in the Proceedings*, 8 February 2024, confidential, para. 15(a). A public redacted version was filed the same day (F02114/RED).

sought submissions from the VPO on whether the applicant had any concerns about the disclosure of his application form to the Parties.¹³

6. On 23 February 2024, in response to the Panel's Decision on the 15th 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.¹⁴ 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.

7. 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.¹⁵ Therefore, after receiving observations from the SPO and VPO,¹⁶ the Panel hereby transmits in Annex 10 to the present notification the application form of [REDACTED] to the Defence.

8. Furthermore, after receiving observations from the SPO and Victims' Counsel,¹⁷ the Panel hereby transmits the application forms and, where appropriate, supporting material to the Defence for the SPO witnesses admitted to participate as victims in the Panel's Decision on the 14th Report listed below.

¹³ Decision on the 15th Report, para. 14.

¹⁴ 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.

¹⁵ See Order, para. 22.

¹⁶ F02294, Specialist Prosecutor, Registrar, and Victims' Counsel, *Prosecution, Victims' Counsel, and VPO Joint Observations on Filing F02277 ("Joint Observations")*, 8 May 2024, strictly confidential and *ex parte*, with strictly confidential and *ex parte* Annexes 1-6, para. 4.

¹⁷ Joint Observations, paras 2-3.

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 Wednesday, 22 May 2024
At The Hague, the Netherlands.