



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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 Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 2 October 2024

Language: English

Classification: Public

**Public Redacted Version of Decision on Urgent Victims' Counsel's Request on
behalf of Victim 284/06**

Specialist Prosecutor

Kimberly P. West

Counsel for Hashim Thaçi

Luka Mišetić

Counsel for Victims

Simon Laws

Counsel for Kadri Veseli

Rodney Dixon

Registry

Head of Victims' Participation Office

Head of Witness Protection and Support

Office

Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagenda

TRIAL PANEL II (“Panel”), pursuant to Articles 21(2), 23 and 40(2) and (6)(f) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 80 and 81 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 10 December 2020, the Pre-Trial Judge granted measures protecting the identity of [REDACTED] from the public, and delayed disclosure of his identity to the Defence.¹
2. On 8 March 2023, the Panel admitted Victim 284/06 [REDACTED] as a victim participating in the proceedings in the present case, and continued his protective measures as an SPO witness.²
3. On 25 September 2024, Victims’ Counsel filed a request on behalf of Victim 284/06 seeking a partial variation of the protective measures granted to him both as an SPO witness and as a participating victim, in order to enable Victim 284/06 to disclose his identity to relevant third parties [REDACTED] (“Request”).³
4. On 30 September 2024, the Parties indicated that they did not intend to respond to the Request.⁴

¹ F00133/COR/CONF/RED, Pre-Trial Judge, *Confidential Redacted Version of Corrected Version of First Decision on Specialist Prosecutor’s Request for Protective Measures* (“First Decision on Protective Measures”), 10 December 2020, strictly confidential and *ex parte*, para. 132 (h) and (q) (a confidential redacted corrected version was filed on 14 December 2020, F00133/COR/CONF/RED).

² F01355, Panel, *Sixth Decision on Victims’ Participation*, 8 March 2023, strictly confidential and *ex parte*, para. 38 (a) and (e) (a confidential redacted version was filed on 10 March 2023, F01355/CONF/RED).

³ F02596, Victims’ Counsel, *Urgent Victims’ Counsel Request on Behalf of V284/06*, 25 October 2024, strictly confidential and *ex parte*, with strictly confidential and *ex parte* Annexes 1 and 2 (a confidential redacted version was filed on the same day, F02596/CONF/RED).

⁴ Provisional Transcript of Hearing, 30 September 2024, p. 20397, lines 4-10.

II. SUBMISSIONS

5. Victims' Counsel requests the Panel to vary the protective measures granted to Victim 284/06 to permit him to reveal his status as both a victim and witness in the proceedings to: (i) the relevant administrative authorities [REDACTED] ("Authorities"); and (ii) his family doctors – [REDACTED] – ("Medical Professionals") in relation to [REDACTED]; (collectively, "Third Parties").⁵

III. DISCUSSION

6. The Panel recalls that Victim 284/06 has been granted anonymity vis-à-vis the public.⁶ The Panel notes that, in support of the Request, Victims' Counsel submits that Victim 284/06 informed him that: (i) his [REDACTED] is subject to review;⁷ (ii) he understands that providing information about his participation in the current proceedings to the Authorities will assist them in [REDACTED];⁸ and (iii) he wishes to disclose his participation in the current proceedings to his Medical Professionals in relation to [REDACTED].⁹

7. The Panel also notes that, if authorised, Victim 284/06 intends to provide the Third Parties with the proposed letter in Annex 2 to the Request.¹⁰

8. Lastly, the Panel notes that the Request is accompanied by Victim 284/06's written consent to the disclosure of his status as participating victim and as witness to the Third Parties.¹¹

9. The Panel finds that the personal circumstances of Victim 284/06, as outlined in the Request, constitute compelling reasons for the Panel to authorise the

⁵ Request, paras 1, 10-11, 12, 16 (a) and (b).

⁶ See *Supra*, paras 1-2.

⁷ Request, para. 8.

⁸ Request, para. 10.

⁹ Request, para. 11.

¹⁰ Annex 2 to the Request. See also Request, para. 14.

¹¹ Annex 1 to the Request. See also Rule 81(5).

disclosure of Victim 284/06's status as participating victim and as a witness in these proceedings to the Authorities. The Panel considers such disclosure necessary to inform the competent Authorities of all matters relevant to their decision in relation to Victim 284/06's [REDACTED]. Similarly, the Panel finds that there are compelling reasons to authorise the sought disclosure to the Medical Professionals, should it assist them in Victim 284/06's [REDACTED]. Moreover, the Panel considers that disclosure of Annex 2 to the Third Parties, for the purposes outlined in the Request, represents only a limited variation to the anonymity vis-à-vis the public otherwise enjoyed by Victim 284/06. Thus, the Panel finds that the Request is both necessary and proportionate.

10. Accordingly, the Panel grants the Request.

IV. CLASSIFICATION

11. The Panel notes that the Request is classified as "confidential" but Victims' Counsel states that no meaningful public redacted version can be filed.¹² The Panel is not satisfied that this is the case, and directs Victims' Counsel to file a public redacted version of the Request (F02596) by **Tuesday, 8 October 2024**.

V. DISPOSITION

12. For the above-mentioned reasons, the Panel hereby:

(a) **GRANTS** the Request;

(b) **VARIES** the protective measures granted to Victim 284/06 [REDACTED] permitting him to reveal his status as a victim participating in the proceedings and as a witness in the *Thaçi et al.* proceedings to the Third

¹² Request, para. 4.

Parties for the limited purposes set out in paragraph 6 of this decision;

(c) **AUTHORISES** Victim 284/06 to disclose the proposed letter in Annex 2 to the Request to the Third Parties; and

(d) **DIRECTS** Victims' Counsel to file a public redacted version of the Request (F02596) by **Tuesday, 8 October 2024**.

A handwritten signature in black ink, reading "Charles L. Smith, III". The signature is written in a cursive style and is positioned above a horizontal line.

Judge Charles L. Smith, III

Presiding Judge

Dated this Wednesday, 2 October 2024

At The Hague, the Netherlands.