



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: 13 November 2024

Language: English

Classification: Public

**Public Redacted Version of Decision on Victims' Counsel's Request on behalf of
Victim 234/06**

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 15 February 2023, the Panel admitted Victim 234/06 as a victim participating in the proceedings in the present case (“*Thaçi et al.* case”), and granted protective measures withholding the identity of Victim 234/06 from the Parties and the public.¹

2. On 25 October 2024, Victims’ Counsel filed a request on behalf of Victim 234/06 seeking a partial variation of the protective measures granted to Victim 234/06 as a participating victim, in order to enable Victim 234/06 to disclose their identity to relevant third parties [REDACTED] (“Request”).²

3. On 1 November 2024, the Registry provided the Panel with a threat and risk assessment of Victim 234/06.³

II. SUBMISSIONS

4. Victims’ Counsel requests the Panel to vary the protective measures granted to Victim 234/06 to permit the victim to reveal the victim’s status as a victim participating in the proceedings to the [REDACTED] and, if necessary, to other [REDACTED] relevant administrative authorities in relation to the victim’s

¹ F01293, Panel, *Fifth Decision on Victims’ Participation*, 15 February 2023, strictly confidential and *ex parte*, paras 47(a) and 47(e)(i) (a public redacted version was filed on 20 February 2023, F01293/RED).

² F02674, Victims’ Counsel, *Victims’ Counsel’s Request on Behalf of V234/06*, 25 October 2024, strictly confidential and *ex parte*, with strictly confidential and *ex parte* Annexes 1 and 2.

³ F02694, Registry, *Registrar’s Submissions on Victims’ Counsel Request on behalf of Victim-234/06 (F02674)*, 1 November 2024, strictly confidential and *ex parte*.

[REDACTED] (“Authorities”).⁴ The victim consented to the disclosure of the victim’s identity to the Authorities.⁵

5. The Registry submits that the limited disclosure of Victim 234/06’s identity and status as a participating victim to the Authorities does not pose a risk to Victim 234/06, the victim’s family members, or any other person who may be at risk on account of the victim’s cooperation with Specialist Chambers.⁶

III. DISCUSSION

6. The Panel recalls that Victim 234/06 has been granted anonymity vis-à-vis the Parties and the public.⁷ The Panel notes that, in support of the Request, Victims’ Counsel submits that Victim 234/06 informed him that: (i) the victim wishes to [REDACTED];⁸ and (ii) the victim understands that providing information about the victim’s participation in the current proceedings to the Authorities will assist them in determining the victim’s [REDACTED].⁹

7. The Panel also notes that, if authorised, Victim 234/06 intends to provide the Authorities the proposed letter in Annex 2 to the Request.¹⁰

8. Lastly, the Panel notes that the Request is accompanied by Victim 234/06’s written consent to the disclosure of the victim’s status as participating victim to the Authorities.¹¹

9. The Panel finds that the personal circumstances of Victim 234/06, as outlined in the Request, constitute compelling reasons for the Panel to authorise the

⁴ Request, paras 1, 8-14.

⁵ See Annex 1 to the Request.

⁶ F02694, Registry, *Registrar’s Submissions on Victims’ Counsel Request on behalf of Victim-234/06 (F02674)*, 1 November 2024, strictly confidential and *ex parte*, para. 8.

⁷ See *supra*, para. 1.

⁸ Request, para. 10.

⁹ Request, para. 10.

¹⁰ Annex 2 to the Request. See also Request, para. 12.

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

disclosure of Victim 234/06's status as participating victim in these proceedings to the Authorities and associated, limited, variation of protective measures. The Panel considers such disclosure necessary to inform the competent Authorities of all matters relevant to their decision in relation to Victim 234/06's [REDACTED]. Moreover, the Panel considers that disclosure of Annex 2 to the Authorities, for the purposes outlined in the Request, represents only a limited variation to the anonymity vis-à-vis the Parties and the public otherwise enjoyed by Victim 234/06. 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 accepts that it might be necessary to implement extensive redactions to the Request in order to prepare a public version, but is not satisfied that no meaningful public redacted version can be filed. The Panel directs Victims' Counsel to file a public redacted version of the Request (F02674) by **Tuesday, 19 November 2024**.

V. DISPOSITION

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

(a) **GRANTS** the Request;

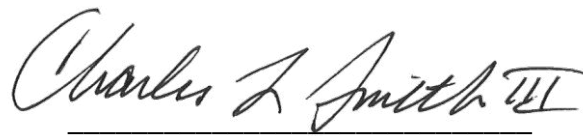
(b) **VARIES** the protective measures granted to Victim 234/06 permitting the victim to reveal the victim's status as a victim participating in the proceedings in the *Thaçi et al.* case to the Authorities for the limited purposes set out in

¹² Request, paras 3-5.

paragraph 4 of this decision; and

(c) **AUTHORISES** Victim 234/06 to disclose the proposed letter in Annex 2 to the Request to the Authorities; and

(d) **DIRECTS** Victims' Counsel to file a public redacted version of the Request (F02674) by **Tuesday, 19 November 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, 13 November 2024

At The Hague, the Netherlands.