

In: KSC-BC-2020-06
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: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Kadri Veseli

Date: 31 January 2025

Language: English

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Veseli Defence Response to ‘Confidential and Ex Parte Redacted Version of “Eighteenth Registry Report on Victims’ Applications for Participation in the Proceedings” (F02813)

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I. INTRODUCTION

1. The Defence for Mr Kadri Veseli (“the Defence”) hereby responds to the Eighteenth Registry Report on Victims’ Applications for Participation in the Proceedings (“the Report”).¹ The Defence submits that the Panel should deny the application of Victim-298/06 as recommended by the VPO and should reject the three victims’ applications for the status of participating victim in the proceedings from Victim-299/06, 300/06 and 301/06.

2. The deadline of 15 February 2023, set by the Panel on 18 January 2023, for the Registry to submit any remaining applications for admission of victims participating in the proceeding has long passed.² In the two years since the deadline has passed, the Registry filed five additional reports on victims’ applications for participation in the proceedings³ and the Panel admitted 13 additional participating victims, rejecting only one application as untimely.⁴

II. SUBMISSIONS

3. Admitting new victims’ applications for participation in the proceedings should be *exceptional* and thoroughly justified by the Registry with the relevant basis for the application made available to the Parties. The Defence deplores the excessive number of redactions, which prevent a full analysis of the circumstances of these applications. The identity of the four victims remains unknown to the Defence, as does the timing of their first contact with the VPO and whether their victims’ applications could have been submitted before the Panel’s deadline. The Defence should have access to this information to enable us to respond to this application more thoroughly.

¹ F02813CONFRED, Confidential and Ex Parte Redacted Version of “Eighteenth Registry Report on Victims’ Applications for Participation in the Proceedings” (F02813) with five strictly confidential and ex parte Annexes, 27 December 2024, confidential and ex parte (“F02813”).

² KSC-BC-2020-06, Oral Order setting deadline for applications for admission of victims participating in the proceedings, 18 January 2023, Transcript p. 1902 l. 20 – p. 1903 l. 4.

³ See F02813, footnote 3.

⁴ See F02813, footnotes 4, 5.

4. The Defence is mindful that victims' applications may be admitted after the deadline if the circumstances set out by the VPO in the Report meet the 'good cause' requirement under Rule 9(5)(b).⁵ This is not the case for the three Victims' applications of Victim-299/06, 300/06 and 301/06 as the VPO failed to present circumstances that met the 'good cause'.

5. For Victim 299/06 and Victim 300/06, the VPO was informed on 28 October 2024 and 2 December 2024 that they wished to apply as a participating victim.⁶ Without providing more context, the VPO explained that it was "unaware that Victim-299/06 and Victim-300/06 were interested in applying to participate as victims, did not have their contact and thus could not provide them with the relevant information before the expiration of the deadline."⁷ In addition, it added that "due to an internal oversight",⁸ the two applicants were not able to apply to participate in the proceedings within the deadline set by the Panel. In the absence of any additional information from VPO demonstrating legitimate justification that would have met the 'good cause' requirement, the two victims' applications must be rejected. Oversight is not, and cannot begin to meet, the threshold of "good cause".

6. For Victim-301/06, the VPO was informed on 27 November 2024.⁹ The VPO merely stated that it was "not aware that Victim-301/06 was interested in applying to participate as a victim" and that "in deciding whether good cause has been shown to consider this application, the circumstances regarding [REDACTED] also need to be taken into account".¹⁰ This is not sufficient information to fulfil the 'good cause' requirement. What is more, there appears to be no attempt to proffer a good reason in this case.

⁵ F02114, Decision on the Fifteenth Registry Report on Victims' Applications for Participation in the Proceedings, 8 February 2024, confidential (see also F02114/RED), para. 8.

⁶ F02813, paras. 7, 9.

⁷ F02813, paras. 7-12.

⁸ F02813, para. 12.

⁹ F02813, para. 14.

¹⁰ F02813, paras. 13-15.

7. For Victim-298/06, for whom the VPO recommended the rejection of the application, the VPO has only stated that it received the application on 8 October 2024.

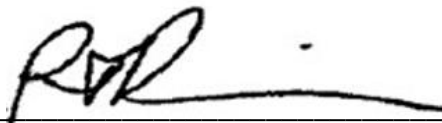
III. RELIEF SOUGHT

8. The Defence respectfully request the Trial Panel to:

DENY the four Victims' Applications for Participation in the Proceedings submitted by Victims 298/06, 299/06, 300/06 and 301/06 as untimely.

Word Count: 699 words


Respectfully submitted on Friday, 31 January 2025, at the Hague.



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