

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: Dr Fidelma Donlon

Filing Participant: Victims' Counsel

Date: 18 March 2025

Language: English

Classification: Public

**Victims' Counsel's Submissions concerning the Specialist Prosecutor's
observations in F02896**

Specialist Prosecutor's Office
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I. INTRODUCTION

1. Pursuant to the invitation of the Panel,¹ Victims' Counsel makes the following submissions on the Specialist Prosecutor's observations² in relation to the Selimi and Veseli Defence Requests to the Trial Panel to amend decision F01977 establishing current detention conditions of the Accused.³

II. CLASSIFICATION

2. This submission is classified as public pursuant to Rule 82(4).

III. SUBMISSIONS

3. Victims' Counsel agrees with the SPO that the current regime of detention conditions for the Accused, authorized by the Trial Panel,⁴ should remain in place.
4. The background, as fairly summarized by the SPO in F02896,⁵ demonstrates the Accused's propensity to disregard protective measures, which provide vital security and reassurance to victims.
5. These submissions are made irrespective of whether Victims' Counsel will call protected witnesses as part of the Victims' case. The two Accused are in possession of substantial confidential information, including the identities of 77 victims participating in the proceedings who are also SPO witnesses or whose identity was disclosed to the Defence. The current monitoring regime provides the only safeguard against misuse of this information, and to the extent that the Accused find it burdensome, they are the authors of their own misfortune.

¹ Email from CMU forwarding a message from Trial Panel II to the Parties and participants, F02785 – Invitation of Submissions from Victims' Counsel, sent 11 March 2025 at 9:05am.

² KSC-BC-2020-06/F02896, Prosecution consolidated response to F02785 and F02846, 3 February 2025, paras 1, 14-15 ("SPO Response").

³ F02785, Selimi Defence Request to the Trial Panel to Amend Decision F01977 with Confidential Annexes 1 and 2, 13 December 2024; F02846, Veseli Defence Submissions Pursuant to the Panel's Order on Review of Detention Conditions (F02805), 22 January 2025 (collectively "Requests").

⁴ F01977, Further Decision on the Prosecution's Urgent Request for Modification of Detention Conditions for Hashim Thaçi, Kadri Veseli, and Rexhep Selimi, 1 December 2023.

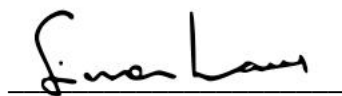
⁵ SPO Response, paras 8-13.

6. Many victims are put in a vulnerable position within their communities and live with a constant fear for their safety as a result of their attempts to seek justice through engagement with this Court. For some, these concerns lead them to substantially limit the extent of their engagement with these proceedings, or even withdraw altogether from them, as happened very recently.⁶
7. The disclosure of the identities of the dual status victims was done in order to secure the fair trial rights of the Accused. The recordings from the Detention Unit show that, regrettably, three of the Accused, including Selimi and Veseli, were not to be trusted with this information.⁷
8. The arguments advanced on behalf of Selimi and Veseli, whilst seeking to minimise their conduct, provide no basis for believing that it will not be repeated.
9. It is submitted that the Panel should take all reasonable measures to safeguard the victims in this case, and in this instance, by maintaining the current monitoring regime.

IV. CONCLUSION

10. For the foregoing reasons, the Requests should be rejected.

Word count: 544



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18 March 2025
At The Hague, the Netherlands.

⁶ F03022, Public Redacted Version of Victims' Counsel's Notification of withdrawal from participation as a victim of [REDACTED] with one strictly confidential and *ex parte* Annex, 17 March 2025.

⁷ See, for example, F01933, Prosecution urgent request for modification of detention conditions with confidential Annexes 1 to 5, 17 November 2023, paras 13-14, 22-23, 24, 25, 33-35.