



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: Dr Fidelma Donlon

Filing Participant: Registrar

Date: 17 March 2025

Language: English

Classification: Confidential and *Ex Parte*

**Confidential and *Ex Parte* Redacted Version of Nineteenth Registry Report on
Victims' Applications for Participation in the Proceedings**

with one strictly confidential and *ex parte* Annex

Registry

Victims' Participation Office

I. INTRODUCTION

1. The Victims' Participation Office ('VPO') hereby files the Nineteenth Report ('Nineteenth Report') on victims' applications for participation in the proceedings pursuant to Rule 113(2) of the Rules.¹

2. With this Nineteenth Report, the VPO transmits to Trial Panel II ('the Panel') one application for the status of participating victim in the proceedings and provides a recommendation on admissibility, grouping, common representation and protective measures.

II. PROCEDURAL HISTORY

3. On 18 January 2023, at the trial preparation conference, the Panel set 15 February 2023 as the deadline for the Registry to submit any remaining applications for admission of victims participating in the proceedings.²

4. The Registry filed six additional reports on victims' applications for participation in the proceedings since that time.³

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020, public ('Rules').

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. *See also* F01264, Eleventh Registry Report on Victims' Applications in the proceedings, 7 February 2023, public, with strictly confidential and *ex parte* Annexes 1 – 5; F01292, Twelfth Registry Report on Victims' Applications for Participation in the Proceedings, 14 February 2023, public, with one strictly confidential and *ex parte* annex; F01355, Sixth Decision on Victims' Participation, 8 March 2023, strictly confidential and *ex parte* (*see also* F01355/RED, 10 March 2023).

³ F01605, Thirteenth Registry Report on Victims' Applications for Participation in the Proceedings, 14 June 2023, strictly confidential and *ex parte*, with one strictly confidential and *ex parte* annex, (*see also* F01605/CONF/RED, 15 June 2023, public); F01801, Fourteenth Report on Victims' Applications for Participation in the Proceedings, 18 August 2023, strictly confidential and *ex parte*, with ten strictly confidential and *ex parte* annexes (*see also* F01801/RED, 22 August 2023, public); F01850, Resubmission of the Fourteenth Registry Report on Victims' Applications for Participation in the Proceedings, 11 October 2023, strictly confidential and *ex parte*, with one strictly confidential and *ex parte* Annex (*see also* F01850/CONF/RED, 27 October 2023, confidential; F01850/RED, 26 January 2024, public) ('Resubmission of Fourteenth Report'); F02006, Fifteenth Registry Report on Victims' Applications for Participation in the Proceedings, 14 December 2023, confidential, with one strictly confidential and *ex parte* annex (*see also* F02006/CONF/RED, 11 January 2024, public); F02255, Sixteenth Registry Report on Victims' Applications for Participation in the Proceedings, 22 April 2024, confidential, with two strictly confidential and *ex parte* annexes, (*see also* F02255/CONF/RED, 22 April 2024, public); F02575, Seventeenth Registry Report on Victims' Applications for Participation in the Proceedings,

5. Thus far, the Panel has admitted 13 additional participating victims⁴ and rejected one application as untimely.⁵

III. SUBMISSION OF APPLICATION

6. On [REDACTED], the VPO was informed [REDACTED] that [REDACTED] ('Victim-302/06'), who was about to testify,⁶ wished to apply as a participating victim and needed assistance with the application form. The VPO met with Victim-302/06 the following day.

7. The VPO explained the application process and indicated that the deadline for the submission of applications had passed. Victim-302/06 stated that they had learned for the first time about the possibility of applying as a participating victim [REDACTED]. Following the information received from the VPO, Victim-302/06 decided to complete the application form.

8. [REDACTED].⁷ [REDACTED].⁸

9. [REDACTED], Victim-302/06 was neither aware of nor advised by [REDACTED] the VPO of the possibility to participate as a victim in the proceedings. Therefore, the applicant was unable to apply to participate in the proceedings within the deadline set by the Panel, due to an internal oversight. The VPO emphasizes that the

13 September 2024, confidential and *ex parte*, with one strictly confidential and *ex parte* Annex, (see also F02575/CONF/RED, 290 September 2024, public); F02813, Eighteenth Registry Report on Victims' Applications for Participation in the Proceedings, 27 December 2024, confidential and *ex parte*, with one strictly confidential and *ex parte* Annex (see also F02813/CONF/RED, 20 January 2025, public).

⁴ F01774, Seventh Decision on Victims' Participation, 7 September 2023, strictly confidential and *ex parte* (see also F01774/RED, 11 September 2023); F02071, Decision on Resubmission of the Fourteenth Registry Report on Victims' Applications for Participation in the Proceedings, 22 January 2024, strictly confidential and *ex parte* (see also F02071/CONF/RED); F02439, Decision on the Sixteenth Registry Report on Victims' Applications for Participation in the Proceedings, 10 July 2024, confidential ('Decision on the Sixteenth Registry Report') (see also F02439/RED); Decision on Seventeenth Registry Report on Victims' Applications for Participation in the Proceedings, 16 December 2024, confidential (see also F02786/RED).

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

⁶ [REDACTED].

⁷ [REDACTED].

⁸ [REDACTED].

responsibility for this oversight in no way lies with the applicant themselves, [REDACTED].⁹

IV. ASSESSMENT OF APPLICATION

10. The VPO has assessed the formal completeness of the application form and the content of the application in light of the requirements stemming from the definition of a participating victim under Article 22(1) of the Law¹⁰ and Rule 113(1) of the Rules.

A. COMPLETENESS OF APPLICATION FORM

11. In assessing the completeness of the application, the VPO reviewed the application against the criteria listed in the Framework Decision¹¹ and applied additional guidance provided by the Pre-Trial Judge in the First Decision¹² and the Second Framework Decision.¹³

12. The VPO notes that the application submitted with this Nineteenth Report can be considered as formally complete.

B. CRITERIA OF ADMISSIBILITY AND STANDARD OF PROOF

1. Standard of proof

13. In assessing the application and making its recommendation in this Nineteenth Report, the VPO applied the *prima facie* standard¹⁴ for all requirements.

⁹ [REDACTED].

¹⁰ Law on Specialist Chambers and Specialist Prosecutor's Office, Law No.05/L-053, 3 August 2015 ('Law').

¹¹ Framework Decision, para. 22.

¹² F00257, First Decision on Victims' Participation, 21 April 2021, confidential (*see also* F00257/RED) ('First Decision'), paras 34-35.

¹³ Second Framework Decision, para. 19.

¹⁴ Rule 113(4) of the Rules. *See* Framework Decision, para. 29 ("the Pre-Trial Judge reviews the submitted information and supporting material on a case-by-case basis, taking into account: (i) all relevant circumstances as apparent at first sight; and (ii) the intrinsic coherence of the application"); First Decision, para. 43.

2. Criteria of Admissibility

14. The VPO based the assessment of admissibility on the same general principles and criteria applied in the First Report,¹⁵ following the guidelines and requirements set out in the Framework Decision.¹⁶ The VPO also took into consideration the findings of the First Decision¹⁷ and the Second Decision¹⁸ issued by the Pre-Trial Judge, and the Fifth Decision¹⁹ and Sixth Decision²⁰ issued by the Panel. Consequently, the VPO's assessment and recommendation to the Panel is based on the following requirements:

(a) Natural person

15. The VPO notes that the application does not raise questions regarding the requirement for an applicant to be a "natural person". The applicant submitted a copy of a valid passport.

(b) Alleged crimes and general description of the applications

16. The VPO assessed whether the acts described in the application appear to constitute alleged crimes within the scope of the Confirmed Amended Indictment²¹ and evaluated whether the alleged events have taken place within the geographical and temporal scope of the indictment, thus in Kosovo and areas of northern Albania between March 1998 and September 1999.²²

¹⁵ F00203, First Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 15 February 2021, public, with confidential and *ex parte* Annexes 1-19 ('First Report'), paras 17-20.

¹⁶ Framework Decision, paras 31, 35-37.

¹⁷ First Decision, paras 44-45, 51-55.

¹⁸ F00611, Second Decision on Victims' Participation, 10 December 2021, strictly confidential and *ex parte* (see also F00611/CONF/RED and F00611/RED) ('Second Decision'), paras 36, 44, 62-68.

¹⁹ F01293, Fifth Decision on Victims' Participation, 15 February 2023, strictly confidential and *ex parte* (see also F01293/RED, 20 February 2023) ('Fifth Decision'), paras 10-12.

²⁰ F01355, Sixth Decision on Victims' Participation, 8 March 2023, strictly confidential and *ex parte* (see also F01355/RED, 8 March 2023) ('Sixth Decision'), paras 8-9.

²¹ F00999, Submission of Confirmed Amended Indictment, 30 September 2022, public, with strictly confidential and *ex parte* Annex 1, confidential Annex 2, and public Annex 3 ('Confirmed Amended Indictment').

²² *Id.*, para. 16.

17. Victim-302/06 claims to be direct victim of unlawful detention and cruel treatment by the Kosovo Liberation Army ('KLA') in one of the detention sites mentioned in the Confirmed Amended Indictment during the relevant period.

18. The crimes that Victim-302/06 claims to be a victim of fall within the material, temporal, and geographical parameters of the charges, as specified in the Confirmed Amended Indictment.²³

(c) Harm and Direct result

19. As regards evidentiary material, the VPO followed the findings of the First Decision²⁴ and the Second Framework Decision.²⁵

20. Regarding the requirement that harm has to be suffered *personally*, Victim-302/06 can be considered as a direct victim.

21. Victim-302/06 claims to have suffered physical and mental harm as a result of the unlawful detention and cruel treatment, as described in the application form.

22. The VPO assessed whether the types of harm have been described sufficiently in detail and are a consequence of the alleged crimes, as well as whether there is *prima facie* evidence of a causal link between harm and crime.²⁶

23. With regard to evidence of a causal link between harm and crime, the VPO assesses that Victim-302/06 meets this requirement, on a *prima facie* basis, for the harm alleged.

C. RECOMMENDATION ON ADMISSIBILITY

24. Should the Panel consider the application on its merits, the VPO recommends that the Panel admit Victim-302/06 as a participating victim.

²³ Framework Decision, para. 32; First Decision, para. 45, Second Decision, para. 44.

²⁴ First Decision, para. 35.

²⁵ Second Framework Decision, para. 20.

²⁶ Framework Decision, para. 39; *see also* First Decision, para. 55. More details on meeting the criteria of the "direct result" requirement can be found in the description of the events in the application form and the application summary annexed to this report.

V. GROUPING OF VICTIMS AND COMMON LEGAL REPRESENTATION

A. RECOMMENDATION ON GROUPING

25. In making its recommendation to the Panel on grouping, the VPO considered the criteria set out in Rule 113(8) of the Rules, by assessing the individual circumstances of Victim-302/06 and the composition of the group as a whole. The VPO has followed the guidelines set out by the Pre-Trial Judge in the Framework Decision,²⁷ as echoed in the First Decision.²⁸ Pursuant to the Framework Decision, the need to divide applicants into more than one group arises when “the situation or the specificity of the victims is so different that their interests are irreconcilable, making their common representation impracticable”.²⁹

26. The VPO has also considered the general observations and jurisprudence outlined in the Supplement and Second Supplement to the First Report, which included a detailed analysis of grouping for the purposes of common representation.³⁰

27. As outlined in the Second Supplement, Group 1 currently includes participating victims of different ethnicities, who reside in different areas, and speak different languages. Both the direct and indirect participating victims in Group 1 were allegedly subjected to similar crimes at the hands of the same group of perpetrators, have suffered similar forms of harm, and they all share an interest in participating in the proceedings and pursuing their rights.³¹

28. With regard to the individual circumstances of Victim-302/06, the VPO assesses that the situation or specificity of the victims in Group 1 and of the applicant are not so different that their interests would be irreconcilable.³²

²⁷ Framework Decision, para. 43.

²⁸ First Decision, paras 73-77.

²⁹ Framework Decision, para. 43; *see also* First Decision, para.76.

³⁰ F00241, Supplement to First Registry Report to the Pre-Trial Judge on Victims’ Applications for Participation in the Proceedings with Recommendation on Grouping, 1 April 2021, public, with one confidential and *ex parte* Annex (‘Supplement’), paras 13-29; F00347, Second Supplement to First Registry Report to the Pre-Trial Judge on Victims’ Applications for Participation in the Proceedings, with one strictly confidential and *ex parte* Annex, 11 June 2021 (‘Second Supplement’), paras 46-50.

³¹ Second Supplement, para. 49.

³² *Id.*

29. Consequently, after analysing the individual circumstances Victim-302/06, as well as the particularities of the group of victims admitted to participate in the proceedings as a whole, the VPO recommends that the Panel group them, if admitted, together with the already admitted victims participating in the proceedings and that they be jointly represented as one group (Group 1).³³

B. COMMON LEGAL REPRESENTATION

30. Victim-302/06 did not indicate any preferences with regard to legal representation.

31. The VPO submits that there appears to be no reason for which, if admitted, the applicant could not be represented together with the other victims participating in the proceedings by the assigned Victims' Counsel.³⁴

VI. PROTECTIVE MEASURES

32. Victim-302/06 requested the non-disclosure of identifying information to the public.

33. The VPO reiterates that the Victim-302/06 [REDACTED].³⁵ [REDACTED].³⁶ [REDACTED].

34. Therefore, if admitted, the VPO recommends that the Panel [REDACTED] granting non-disclosure of any identifying information to the public.³⁷

35. The VPO considers that the above-requested protective measures are strictly necessary, appropriate, and proportionate at this stage of proceedings.

³³ First Decision, para. 77; see also Fifth Decision, paras 42-43.

³⁴ F00282, Notification of Assignment of Victims' Counsel to Group 1 of Victims Participating in the Proceedings, 7 May 2021, public, with one confidential and *ex parte* Annex.

³⁵ [REDACTED].

³⁶ [REDACTED].

³⁷ [REDACTED].

VII. CLASSIFICATION

36. The VPO files this Nineteenth Report as confidential and *ex parte*, as it contains [REDACTED]. The VPO will file a confidential and *ex parte* redacted version of this Nineteenth Report, in accordance with Rule 113 of the Rules. The VPO has no objection to the reclassification of the redacted version of the Nineteenth Report by lifting the *ex parte* marking so that it can be disclosed to the Parties, as it will contain no identifying information of the applicant. For the same reason, the VPO does not object to the re-classification of the redacted version of the Nineteenth Report as public. In the event that the Panel decides to re-classify the redacted version of the Nineteenth Report, it may also constitute the report to the Parties pursuant to Rule 113(2) of the Rules.³⁸

37. Together with this Nineteenth Report, the VPO submits one strictly confidential and *ex parte* Annex, containing a summary of the application prepared by the VPO. The Annex contains identifying information of the applicant and is therefore filed as strictly confidential and *ex parte* pursuant to Rules 113(2) and 82(1) of the Rules.³⁹

38. The application form and supporting documentation have been disclosed only to the Panel through Legal Workflow in accordance with Rule 113(1) of the Rules, which provides that the application form shall not be disclosed to the Parties.⁴⁰

Word count: 2,801



Dr Fidelma Donlon

Registrar

Monday, 17 March 2025

At The Hague, the Netherlands.

³⁸ Framework Decision, para. 50.

³⁹ First Decision, para. 66.

⁴⁰ Framework Decision, para. 25; *see also* First Decision, para. 64.