



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: 15 May 2025

Language: English

Classification: Public

**Public Redacted Version of
Consolidated Decision on the Eighteenth and Nineteenth Registry Report on
Victims' Applications for Participation in the Proceedings**

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TRIAL PANEL II (“Panel”), pursuant to Articles 22, 23(1) and 40 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 80, 113 and 114 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 18 January 2023, the Panel ordered the Registry to submit any remaining applications for admission of victims wishing to participate in the proceedings no later than 15 February 2023 (“Order”).¹

2. On 3 April 2023, the Specialist Prosecutor’s Office (“SPO”) opened its case.²

3. On 27 December 2024 and 17 March 2025, respectively, the Victims’ Participation Office (“VPO”) filed the eighteenth³ and nineteenth report⁴ on victims’ applications for participation in the proceedings (“Eighteenth Report” and “Nineteenth Report”, respectively). The Eighteenth Report transmitted to the Panel four applications and the Nineteenth Report transmitted one application to be granted the status of a participating victim.

4. On 31 January 2025, the Defence for Kadri Veseli (“Veseli Defence”) responded to the Eighteenth Report (“Response”).⁵

¹ Transcript of Hearing, 18 January 2023, p. 1902, lines 22-25.

² See Transcript of Hearing, 15 February 2023, p. 2038, lines 15-17; Transcript of Hearing, 3 April 2023, p. 2140.

³ F02813, Registry, *Eighteenth Registry Report on Victims’ Applications for Participation in the Proceedings*, 27 December 2024, confidential and *ex parte*, with Annexes 1-5, strictly confidential and *ex parte* (a confidential redacted version of the core filing was filed on 17 January 2025, (F02813/CONF/RED), which was reclassified as public on 21 January 2025 (F02813/RED)).

⁴ F03027, Registry, *Nineteenth Registry Report on Victims’ Applications for Participation in the Proceedings*, 17 March 2025, confidential and *ex parte*, with Annex, strictly confidential and *ex parte* (a confidential redacted version of the core filing was filed on 8 April 2025, (F03027/CONF/RED), which was reclassified as public on 10 April 2025 (F03027/RED)).

⁵ F02890, Specialist Counsel, *Veseli Defence Response to ‘Confidential and Ex Parte Redacted Version of ‘Eighteenth Registry Report on Victims’ Applications for Participation in the Proceedings’*, 31 January 2025.

5. No Party responded to the Nineteenth Report.

II. SUBMISSIONS

6. The VPO provides a detailed explanation of the timing of the Reports and the transmission of the applications after the expiration of the applicable time limit.⁶ In the Eighteenth Report, the VPO recommends that three of the four applicants be admitted to participate as victims in the proceedings.⁷ The VPO submits that, despite the submission of the Reports after the deadline set by the Panel, it would be in the interest of justice and would protect the rights of the four victims to have their applications considered.⁸ In the Nineteenth Report, the VPO recommends that the sole applicant be granted the status of a victim participating in the proceedings.⁹

7. The Veseli Defence requests that the Panel denies the applications transmitted in the Eighteenth Report as untimely.¹⁰ The Veseli Defence also submits that, while being mindful that victims' applications may be admitted after the deadline, the VPO failed to present circumstances that meet the "good cause" requirement.¹¹ The Veseli Defence further argues that the number of redactions prevents a full analysis of the circumstances of the applications and that the Defence should have access to additional information, such as the identity of the victims, the timing of their first contact with the VPO, and whether the victims' applications could have been submitted before the Panel's deadline, in order to be able to respond to the applications more thoroughly.¹²

⁶ Eighteenth Report, paras 6-17; Nineteenth Report, paras 6-9.

⁷ Eighteenth Report, para. 38 (i) and (ii).

⁸ Eighteenth Report, para. 17.

⁹ Nineteenth Report, para. 24.

¹⁰ Response, paras 1, 2, 8.

¹¹ Response, paras 4-7.

¹² Response, para. 3.

III. APPLICABLE LAW

8. The Panel incorporates by reference the law applicable to the admission of victims for participation in the proceedings set out in previous decisions.¹³

IV. DISCUSSION

A. PRELIMINARY MATTERS

9. At the outset, the Panel notes the Veseli Defence argument that the excessive number of redactions prevents a full analysis of the circumstances leading to the submission of the applications.¹⁴ The Panel finds that the redactions contained in the Eighteenth Report are aimed at protecting the identity of the applicants and do not as such prevent substantive analysis by the Defence as regards their admissibility. The Panel also considers that, should the victims' applications be accepted, the Defence will be provided with Section 2 of the application forms [REDACTED],¹⁵ which will enable it to make any submissions at the relevant time in the event there are reparations proceedings. Finally, the Panel notes that the Veseli Defence did not formally seek any relief or identify the basis on which such a relief could have been granted. The Panel therefore finds that it is unnecessary and inappropriate in the circumstances to order a lesser redacted version of the Eighteenth Report.

¹³ F01801, Panel, *Decision on Fourteenth Registry Report on Victims' Applications* ("Eighth Decision"), 19 September 2023, strictly confidential and *ex parte*, paras 7-8 (a public redacted version was filed on the same day and a public lesser redacted version was filed on 29 April 2024, F01801/RED and F01801/RED2, respectively); F01774, Panel, *Seventh Decision on Victims' Participation*, 7 September 2023, strictly confidential and *ex parte*, paras 12-15 (a public redacted version was filed on 11 September 2023, F01774/RED).

¹⁴ Response, para. 3.

¹⁵ See *below* at paras 56, 57.

B. VALIDITY OF THE FILING OF THE REPORT

10. The Panel notes that Rule 113(1) requires that applications for admission of victims participating in the proceedings be filed “sufficiently in advance of the opening of the case pursuant to Rule 124”. The Panel recalls that: (i) it ordered the Registry to file any applications for admission of victims participating in the proceedings by 15 February 2023;¹⁶ and (ii) the case opened pursuant to Rule 124 on 3 April 2023.¹⁷ Therefore, as acknowledged by the VPO,¹⁸ the time limit to file applications for admission of victims participating in the proceedings has expired.¹⁹

11. That being said, the Panel will assess whether the circumstances set out by the VPO in the Report meet the “good cause” requirement under Rule 9(5)(b).

1. Victim 298/06

12. The Panel notes that Victim 298/06 applied for admission as a victim in the proceedings on 8 October 2024.²⁰ The VPO submits that based on its assessment, the crimes that Victim 298/06 claims to be a victim of fall manifestly outside of the material scope of the charges, as specified in the Confirmed Amended Indictment.²¹ As a result, the VPO did not provide further information to the

¹⁶ Transcript of Hearing, 18 January 2023, p. 1902, lines 22-25.

¹⁷ See Transcript of Hearing, 15 February 2023, p. 2038, lines 15-17; Transcript of Hearing, 3 April 2023, p. 2140.

¹⁸ Eighteenth Report, para. 17; Nineteenth Report, para. 9.

¹⁹ See similarly F02786, Panel, *Decision on Seventeenth Registry Report on Victims' Applications for Participation in the Proceedings*, 16 December 2024, confidential, para. 7 (a public redacted version was filed on the same day, F02786/RED); F02439, Panel, *Decision on the Sixteenth Registry Report on Victims' Applications for Participation in the Proceedings*, 10 July 2024, confidential, para. 7 (a public redacted version was filed on the same day, F02439/RED); F02114, Panel, *Decision on the Fifteenth Registry Report on Victims' Applications for Participation in the Proceedings*, 8 February 2024, confidential, para. 7 (a public redacted version was filed on the same day, F02114/RED).

²⁰ Eighteenth Report, para. 6.

²¹ Eighteenth Report, paras 28, 38.

applicant as regards the application process and the applicable deadline²² and did not assess the alleged harm and the casual link between harm and crime.²³

13. The Panel notes that no information was provided that would explain the belated nature of the application of Victim 298/06. Considering the assessment of the VPO, the Panel concludes that good cause has not been shown to recognise as valid the transmission of the application of Victim 298/06 after the expiration of the time limit set in the Order.

14. In light of the above, the Panel finds that the application of Victim 298/06 is untimely and is rejected on that basis.

2. Victim 299/06

15. The Panel observes that Victim 299/06, [REDACTED],²⁴ first expressed a wish to participate as a victim in the proceedings [REDACTED] on 28 October 2024.²⁵ The application of Victim 299/06 was submitted on 29 October 2024.²⁶ The VPO submits that:

- (i) during the meeting on 29 October 2024, it explained to the applicant the application process and indicated that the deadline for submission of applications had passed;²⁷
- (ii) the applicant stated that [REDACTED] and does not have much access to information and thus did not understand what it means to participate as a victim [REDACTED];²⁸
- (iii) it was unaware that the applicant was interested in applying to participate as a victim, it did not have their contact details and thus could not provide

²² Eighteenth Report, para. 6.

²³ Eighteenth Report, para. 38.

²⁴ [REDACTED].

²⁵ Eighteenth Report, para. 7.

²⁶ Annex 2 to the Eighteenth Report, p. 1.

²⁷ Eighteenth Report, para. 8; Annex 2 to the Eighteenth Report, p. 1.

²⁸ Eighteenth Report, para. 8.

the applicant with the relevant information before the expiration of the deadline;²⁹ and

- (iv) the application of Victim 299/06 was submitted after the expiration of the deadline “due to an internal oversight” for which the applicant is not responsible.³⁰

16. The Panel accepts that: (i) the applicant is a lay person who was likely not aware of the deadline to apply to participate as a victim in the proceedings [REDACTED]; (ii) based on the information provided by the VPO, the applicant only learned about the possibility to participate as a victim in the proceedings [REDACTED] October 2024; and (iii) the circumstances for submitting the application after the deadline were outside Victim 299/06’s control.

17. The Panel is therefore satisfied that good cause has been shown to consider as valid the transmission of Victim 299/06’s application after the time limit set in the Order.

3. Victim 300/06

18. The Panel observes that Victim 300/06, [REDACTED], expressed a wish to apply as a participating victim in the proceedings [REDACTED] on 2 December 2024, [REDACTED].³¹ The VPO met Victim 300/06 on 3 December 2024 and the application of Victim 300/06 was submitted on the same day.³² [REDACTED].³³ The VPO submits that:

- (i) during the meeting with the applicant, the VPO informed the applicant that the deadline for submission of applications had passed;³⁴

²⁹ Eighteenth Report, para. 12.

³⁰ Eighteenth Report, para. 12.

³¹ Eighteenth Report, para. 9.

³² Eighteenth Report, para. 9; Annex 4 to the Eighteenth Report.

³³ [REDACTED].

³⁴ Eighteenth Report, para. 10.

- (ii) the applicant explained to the VPO that [REDACTED] about the possibility of applying as a victim in the proceedings about four years ago, but did not do so out of safety concerns and because [REDACTED];³⁵
- (iii) it was unaware that the applicant was interested in applying to participate as a victim, it did not have their contact details and thus could not provide relevant information before the expiration of the deadline;³⁶
- (iv) the application of Victim 300/06 was submitted after the expiration of the deadline “due to an internal oversight” for which the applicant is not responsible.³⁷

19. The Panel observes that according to the information provided by the VPO, Victim 300/06 did not apply as a victim participating in the proceedings when first informed by [REDACTED] about four years ago, partially due to [REDACTED].³⁸ The Panel notes that [REDACTED].³⁹ Nevertheless, the Panel accepts that based on the information provided by the VPO, Victim 300/06 did not apply as a victim participating in the proceedings out of safety concerns⁴⁰ and, notwithstanding [REDACTED]. The Panel thus accepts that the circumstances for submitting the application of Victim 300/06 after the deadline were outside Victim 300/06’s control.

20. The Panel is therefore satisfied that good cause has been shown to consider as valid the transmission of Victim 300/06’s application after the time limit set in the Order.

³⁵ Eighteenth Report, para. 10.

³⁶ Eighteenth Report, para. 12.

³⁷ Eighteenth Report, para. 12.

³⁸ Eighteenth Report, para. 10.

³⁹ [REDACTED].

⁴⁰ Eighteenth Report, para. 10.

4. Victim 302/06

21. The Panel observes that Victim 302/06, [REDACTED], expressed a wish to apply as a participating victim during a meeting with [REDACTED] on [REDACTED], [REDACTED].⁴¹ The application was submitted on [REDACTED].⁴²

The VPO submits that:

- (i) it informed the applicant that the deadline for submission of applications had passed;⁴³
- (ii) Victim 302/06 first learned about the possibility of applying as a participating victim [REDACTED];⁴⁴
- (iii) the application of Victim 302/06 was submitted after the expiration of the deadline “due to an internal oversight” for which the applicant is not responsible.⁴⁵

22. The Panel accepts that: (i) Victim 302/06 is a lay person who was likely not aware of the deadline to apply to participate as a victim in the proceedings; (ii) based on the information provided by the VPO, Victim 302/06 only learned about the possibility to participate as a victim in the proceedings [REDACTED]; and (iii) the circumstances for submitting the application after the deadline were outside Victim 302/06’s control.

23. The Panel is therefore satisfied that good cause has been shown to consider as valid the transmission of Victim 302/06’s application after the time limit set in the Order.

⁴¹ Nineteenth Report, para. 6. *See also* [REDACTED].

⁴² Annex 1 to the Nineteenth Report, p. 1.

⁴³ Nineteenth Report, para. 7.

⁴⁴ Nineteenth Report, paras 7, 9.

⁴⁵ Nineteenth Report, para. 9.

5. Victim 301/06

24. The Panel observes that Victim 301/06, a [REDACTED], became interested in applying as a victim participating in the proceedings [REDACTED].⁴⁶ The Panel further observes that the VPO was first informed that the applicant was interested in applying to participate as a victim by [REDACTED] on 27 November 2024.⁴⁷ The VPO further submits that:

- (i) it informed the applicant that the deadline for submission of applications had passed, but the applicant indicated a wish to apply nonetheless;⁴⁸
- (ii) [REDACTED].⁴⁹

25. The Panel accepts that: (i) Victim 301/06 is a lay person who was likely not aware of the deadline to apply to participate as a victim in the proceedings; (ii) based on the information provided by the VPO, Victim 301/06 only learned about the possibility to participate as a victim in the proceedings following the testimony of [REDACTED] in [REDACTED]; and (iii) the circumstances for submitting the application after the deadline were outside Victim 301/06's control.

26. The Panel is therefore satisfied that good cause has been shown to consider as valid the transmission of Victim 301/06's application after the time limit set in the Order.

6. Conclusion

27. In light of the above, the Panel, exercising its discretion, finds that the applications of Victim 299/06, Victim 300/06, Victim 301/06, and Victim 302/06 are timely. The Panel will therefore assess their applications on their merits. The Panel

⁴⁶ Eighteenth Report, para. 14. *See also* [REDACTED].

⁴⁷ Eighteenth Report, para. 14.

⁴⁸ Eighteenth Report, para. 15.

⁴⁹ Eighteenth Report, para. 16.

further finds that the application of Victim 298/06 is untimely and rejects it on that basis.

C. ASSESSMENT OF APPLICATIONS

28. The VPO recommends that the Panel admit Victim 299/06, Victim 300/06, Victim 301/06, and Victim 302/06 as participating victims.⁵⁰

29. Having assessed the application forms and supporting documentation submitted in the Report, the Panel is satisfied that the applications are complete.⁵¹ The Panel notes that the applicants provided valid ID cards.⁵² The Panel is further satisfied that the applicants are natural persons.⁵³

1. Correspondence Between the Alleged Crimes in the Applications and the Indictment

30. The Panel recalls that, as confirmed by the Court of Appeals, “the crime(s) in relation to which an applicant claims to be a victim must fall under the material, geographical and temporal parameters of the charges, as specified in the Indictment”.⁵⁴

31. In making its assessment, the Panel has conducted an individualised analysis of the applications, based on the Report, the application forms, and the relevant parts of the Indictment.⁵⁵ Additionally, the Panel considers that, while the

⁵⁰ Eighteenth Report, para. 17; Nineteenth Report, para. 24.

⁵¹ Eighteenth Report, paras 19, 20; Nineteenth Report, paras 11, 12.

⁵² See Victim 299/06, Victim 300/06, Victim 301/06, and Victim 302/06 Supporting Documents.

⁵³ Eighteenth Report, para. 23; Nineteenth Report, para. 15.

⁵⁴ IA005/F00008, Court of Appeals, *Decision on Appeal Against “First Decision on Victims’ Participation”*, 16 July 2021, para. 35.

⁵⁵ F00999, Specialist Prosecutor, *Submission of Confirmed Amended Indictment (“Indictment”)*, 30 September 2022, with Annex 1, strictly confidential and *ex parte*, Annex 2, confidential and Annex 3. See also F01323/A01, Specialist Prosecutor, *Public Lesser Redacted Version of Amended Indictment*, 27 February 2023.

applicants did not provide or indicate having any documentation on harm,⁵⁶ [REDACTED],⁵⁷ [REDACTED].⁵⁸

32. The Panel is satisfied that the applicants are victims of crimes allegedly committed at a location identified in the Indictment and that the alleged crimes fall within the temporal scope of the charges as specified in the Indictment. Specifically, in relation to Victim 299/06, the Panel is satisfied that there is *prima facie* evidence that the applicant is a direct victim of unlawful detention and cruel treatment attributable to members of the Kosovo Liberation Army (“KLA”), allegedly committed against perceived Opponents in [REDACTED] in 1998.⁵⁹ As regards Victim 300/06, the Panel is satisfied that there is *prima facie* evidence that the applicant is a direct victim of unlawful detention and cruel treatment by members of the KLA allegedly committed against perceived Opponents in [REDACTED] in 1999.⁶⁰ In relation to Victim 302/06, the Panel is also satisfied that there is *prima facie* evidence that he is a direct victim of unlawful detention and cruel treatment by members of the KLA allegedly committed against perceived Opponents in [REDACTED] and [REDACTED] in 1998.⁶¹

33. Turning to Victim 301/06, the Panel is satisfied that the applicant is an indirect victim of kidnapping, torture, unlawful detention and cruel treatment by members of the KLA committed in [REDACTED] in 1999.⁶² In so far as Victim 301/06 also claims to be a direct victim of ill-treatment by members of the KLA,⁶³ the Panel

⁵⁶ See e.g., Annex 2 to the Eighteenth Report, p. 2; Annex 4 to the Eighteenth Report, p. 3; Annex 5 to the Eighteenth Report, p. 3; Annex 1 to the Nineteenth Report, p. 2.

⁵⁷ [REDACTED].

⁵⁸ [REDACTED].

⁵⁹ Eighteenth Report, para. 25; Annex 2 to the Eighteenth Report, pp. 2, 3; **Victim 299/06** Application Form. See also Indictment, paras [REDACTED]; Schedule [REDACTED]. See also [REDACTED].

⁶⁰ Eighteenth Report, para. 25; Annex 4 to the Eighteenth Report, p. 2; **Victim 300/06** Application Form. See also Indictment, paras [REDACTED]; Schedule [REDACTED].

⁶¹ Nineteenth Report, paras 16-18; Annex 1 to the Nineteenth Report, p. 2; **Victim 302/06** Application Form. See also Indictment, paras [REDACTED]; Schedule [REDACTED].

⁶² Eighteenth Report, para. 26; Annex 5 to the Eighteenth Report, p. 2; **Victim 301/06** Application Form. See also Indictment, paras [REDACTED], 124; Schedule [REDACTED].

⁶³ Eighteenth Report, para. 26; Annex 5 to the Eighteenth Report, p. 2.

notes that the incident described by Victim 301/06 does not appear to form part of the charges in the Indictment.

2. Alleged Harm

34. The Panel is satisfied that Victim 299/06 has *prima facie* suffered mental harm (including stress, anxiety, and psychological trauma) as a direct result of the alleged crimes.⁶⁴

35. The Panel is further satisfied that Victim 300/06 has *prima facie* suffered physical harm (including injuries to his limbs, hands, legs, back and head as a result of the mistreatment endured in detention) and mental harm (including severe trauma) as a direct result of the alleged crimes.⁶⁵

36. The Panel is also satisfied that Victim 302/06 has *prima facie* suffered physical harm (as a result of the mistreatment endured during detention) and mental harm (including trauma, depression, anxiety, and bereavement) as a direct result of the alleged crimes.⁶⁶

37. Having reviewed the supporting material provided by Victim 301/06,⁶⁷ the Panel is satisfied that the applicant is [REDACTED] of an alleged direct victim of crimes charged in the Indictment, and therefore meets the necessary *prima facie* requirement as to the mental harm suffered. As far as Victim 301/06's harm as a direct victim is concerned, the Panel recalls that it did not find there was *prima facie* evidence that Victim 301/06 was a direct victim of crimes charged in the Indictment,⁶⁸ and thus, the Panel will not assess the causal link between harm and crime in that regard.

38. In addition to mental and physical harm, Victim 300/06 and Victim 301/06

⁶⁴ Eighteenth Report, para. 31; Annex 2 to the Eighteenth Report, p. 2; **Victim 299/06** Application Form.

⁶⁵ Eighteenth Report, para. 32; Annex 4 to the Eighteenth Report, p. 2; **Victim 300/06** Application Form.

⁶⁶ Nineteenth Report, para. 21; Annex 1 to the Nineteenth Report, p. 2; **Victim 302/06** Application Form.

⁶⁷ See Annex 5 to the Eighteenth Report; **Victim 301/06** Application Form and supporting documents.

⁶⁸ See *above* at para. 33.

also claim material harm, *inter alia*, through loss of property.⁶⁹ As harm of a mental nature has already been demonstrated to the requisite degree, it is not necessary for the Panel to decide at this stage whether Victim 300/06 also suffered any material harm as a result of the alleged conduct. Such a determination will be made in the reparations order, if any.⁷⁰

39. The above findings concerning harm are without prejudice to any future ruling following submission of additional material.

3. Conclusion

40. In light of the above, the Panel finds that there is *prima facie* evidence that Victim 299/06, Victim 300/06, and Victim 302/06 have suffered harm as a direct result of crimes alleged in the Indictment. The Panel also finds that there is *prima facie* evidence that Victim 301/06 has suffered harm as a result of crimes alleged in the Indictment committed against [REDACTED]. Accordingly, the Panel admits the applicants as participating victims in the proceedings.

D. PROTECTIVE MEASURES

41. Victim 299/06 did not request any protective measures.⁷¹ The Panel notes that [REDACTED] and the applicant's identity is public.⁷² Notwithstanding, the VPO recommends that the Panel grant non-disclosure to the public of any identifying information as regards the applicant's status as a participating victim.⁷³

⁶⁹ Eighteenth Report, para. 32; Annex 5 to the Eighteenth Report, p. 3; **Victim 300/06** Application Form; **Victim 301/06** Application Form.

⁷⁰ See similarly See e.g., F01293, Panel, *Fifth Decision on Victims' Participation* ("Fifth Decision"), 15 February 2023, strictly confidential and *ex parte*, para. 22 (public redacted version was filed on 20 February 2023, F01293/RED).

⁷¹ Eighteenth Report, para. 47.

⁷² Eighteenth Report, para. 48.

⁷³ Eighteenth Report, para. 49.

42. Victim 300/06 requests non-disclosure of identifying information to the public, Defence Counsel and the Accused.⁷⁴ The Panel notes that Victim 300/06 [REDACTED].⁷⁵ [REDACTED]. The Panel further notes that the VPO recommends that the Panel follow its previous approach [REDACTED] and grant non-disclosure of any identifying information to the public as regards the applicant's status as a participating victim.⁷⁶

43. Victim 302/06 requests non-disclosure of identifying information to the public.⁷⁷ The Panel notes that Victim 302/06 was, [REDACTED], [REDACTED].⁷⁸ The Panel observes that the identity of Victim 302/06, [REDACTED], [REDACTED]. The Panel further notes that the VPO recommends that [REDACTED] and grant non-disclosure of any identifying information to the public as regards the applicant's status as a participating victim.⁷⁹

44. Victim 301/06 requests non-disclosure of identifying information to the public. The Panel notes that the VPO recommends that the Panel follows the approach taken thus far and grant anonymity under Rule 80(4)(e)(i).⁸⁰

45. Regarding Victim 298/06, the Panel notes that the applicant did not request any protective measures⁸¹ and the VPO recommends that should the Panel deny Victim 298/06's application, the Panel should take the same approach followed thus far, and order that the name and any identifying information of denied applicants be withheld from the Parties and the public.⁸²

⁷⁴ Eighteenth Report, para. 50.

⁷⁵ Eighteenth Report, para. 51. *See also* [REDACTED].

⁷⁶ Eighteenth Report, para. 52.

⁷⁷ Nineteenth Report, para. 32.

⁷⁸ [REDACTED].

⁷⁹ Nineteenth Report, para. 34.

⁸⁰ Eighteenth Report, para. 53.

⁸¹ Eighteenth Report, para. 54.

⁸² Eighteenth Report, para. 54.

46. The Panel recalls that the legal test for protective measures in relation to participating victims is the same as that applicable to witnesses.⁸³

47. Regarding Victim 298/06, the Panel recalls that the applicant has not requested any protective measures and the Panel rejected Victim 298/06's application as untimely. Nevertheless, consistent with its prior practice, the Panel considers that, by virtue of the confidentiality of the application process, as provided in Rule 113(1)-(2), and taking into consideration the applicant's protection of privacy, the non-disclosure to the Parties and the public of their name and identifying information is necessary.

48. Regarding Victim 299/06, the Panel recalls that [REDACTED]. The Panel considers that, by virtue of the confidentiality of the application process, as provided in Rule 113(1)-(2), and taking into consideration the applicants' protection of privacy, the non-disclosure to the public of the applicants' identity as a victim is necessary.

49. In relation to Victim 300/06 and Victim 302/06, the Panel is satisfied that [REDACTED]⁸⁴ [REDACTED]. Regarding Victim 300/06's request for non-disclosure of identifying information to the Defence, the Accused, and the SPO, the Panel considers that, given [REDACTED], the Panel cannot give effect to this request.

50. Turning to Victim 301/06, the Panel considers that, consistent with its previous practice, anonymity under Rule 80(4)(e)(i) for a victim [REDACTED] is necessary under the circumstances.⁸⁵

51. In addition, as regards Victim 298/06, Victim 299/06, Victim 300/06, Victim 301/06, and Victim 302/06, the Panel recalls the general climate of witness and victim intimidation prevailing in Kosovo, particularly in criminal proceedings

⁸³ [REDACTED].

⁸⁴ [REDACTED].

⁸⁵ See e.g., [REDACTED].

against former members of the KLA.⁸⁶ Further, the Panel is mindful that by virtue of their status as victims participating in the proceedings, these individuals are especially vulnerable.⁸⁷

52. As regards the proportionality of the measures, the Panel recalls that: (i) [REDACTED] Victim 299/06, Victim 300/06, Victim 302/06 will be disclosed to the Accused as set out below; and (ii) protective measures ordered in relation to Victim 299/06, Victim 300/06, Victim 301/06, and Victim 302/06 are without prejudice to their variation at a later stage, if and when the need arises.⁸⁸

53. In light of the foregoing, the Panel orders that: (i) for Victim 300/06 and Victim 302/06, [REDACTED]; (ii) anonymity for Victim 301/06; (iii) for Victim 299/06, Victim 300/06, and Victim 302/06, non-disclosure of identity, as victims participating in the proceedings, to the public; and (iv) for Victim 298/06 the name and identifying information be withheld from the Parties and the public.

54. As a result, the Panel finds it appropriate to maintain the classification of the Annexes 1-5 to the Eighteenth Report and Annex 1 to the Nineteenth Report as strictly confidential and *ex parte*.

E. APPLICATION FORMS

55. The Panel recalls that, in accordance with Rule 113(1), all application forms, application summaries and supporting documents shall remain strictly confidential and *ex parte*.⁸⁹ The Panel further recalls that this is without prejudice to the Panel's decision to grant access to the Defence to redacted versions of

⁸⁶ See [REDACTED].

⁸⁷ See e.g. F00257, Pre-Trial Judge, *First Decision on Victims' Participation*, 21 April 2021 ("First Decision"), confidential, para. 68 (a public redacted version was filed on the same day, F00257/RED); F00611, Pre-Trial Judge, *Second Decision on Victims' Participation* ("Second Decisions") 10 December 2021, strictly confidential and *ex parte*, para. 51 (public redacted and confidential redacted versions were filed on the same day, F00611/RED and F00611/CONF/RED, respectively).

⁸⁸ See First Decision, para. 69; Second Decision, para. 53.

⁸⁹ [REDACTED].

Section 2 of the application forms and, where necessary, supporting documents of [REDACTED].⁹⁰

56. In accordance with its previous practice, the Panel considers it appropriate to ensure that the Defence has access to Section 2 of the application forms of Victim 299/06, Victim 300/06, and Victim 302/06.⁹¹ The Panel therefore instructs Victims' Counsel to review the applicants' application forms *ex parte*, consult with the applicants, and submit any concerns that they have regarding disclosure of Section 2 of these forms to the Parties.

57. The Panel recalls that, in this process, Victims' Counsel should make the applicants aware that, subject to redactions justified by fact-specific reasons, Section 2 of their application forms will be transmitted to the Defence.⁹² Victims' Counsel must also inform Victim 299/06, Victim 300/06, and Victim 302/06 that the application forms will not be shared with the public.

F. GROUPING AND COMMON LEGAL REPRESENTATION

58. The Panel notes the VPO's recommendation that Victim 299/06, Victim 300/06, Victim 301/06, and Victim 302/06 be grouped together with the other victims participating in the proceedings.⁹³ The Panel observes that the applicants reside in different areas and speak different languages. However, the Panel considers that the applicants were subjected to, or observed [REDACTED] being subjected to, similar alleged types of crimes in generally similar circumstances and have suffered from similar forms of harm. As a result, the Panel is of the view that all four applicants share a common interest in participating in

⁹⁰ See *e.g.*, [REDACTED].

⁹¹ [REDACTED].

⁹² [REDACTED].

⁹³ Eighteenth Report, paras 39-43; Nineteenth Report, paras 25-29.

the proceedings and pursuing their rights.

59. Based on these considerations, the Panel finds that the applicants shall be grouped together with the victims previously admitted, under Group 1.

60. Moreover, the applicants either did not indicate a preference with regard to legal representation⁹⁴ or indicated their wish to be represented by the assigned Victims' Counsel.⁹⁵ The VPO recommends that all admitted applicants be represented by the assigned Victims' Counsel.⁹⁶ The Panel is satisfied that the recommended course is consistent with the effective guarantee of the rights of the applicants concerned.

61. Based on the same considerations previously set out regarding the grouping of victims, the Panel finds that the applicants shall be represented by Victims' Counsel assigned to Group 1.

G. PARTICIPATION IN TRIAL PROCEEDINGS

62. Victim 299/06, Victim 300/06, Victim 301/06, and Victim 302/06 shall exercise their rights through Victims' Counsel and shall participate through the modalities described in the First Decision on Victims' Participation and in accordance with the Order on the Conduct of Proceedings.⁹⁷

⁹⁴ Eighteenth Report, para. 45; Nineteenth Report, para. 30.

⁹⁵ Eighteenth Report, para. 45.

⁹⁶ Eighteenth Report, para. 46; Nineteenth Report, para. 30.

⁹⁷ First Decision, paras 81-84; *See also* F01226/01, Panel, *Annex 1 to Order on the Conduct of Proceedings*, 25 January 2023, paras 32-36.

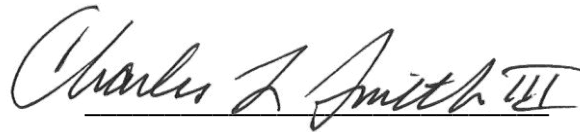
V. DISPOSITION

63. For these reasons, the Panel hereby:

- a) **DECLARES** the applications of Victim 299/06, Victim 300/06, Victim 301/06, and Victim 302/06 to be timely;
- b) **DECLARES** the application of Victim 298/06 to be untimely;
- c) **GRANTS** the applications of Victim 299/06, Victim 300/06, Victim 301/06 and Victim 302/06;
- d) **REJECTS** the application of Victim 298/06;
- e) **DECIDES** that Victim 299/06, Victim 300/06, Victim 301/06, and Victim 302/06 shall be included in Group 1 for the purpose of common representation and shall be represented by Victims' Counsel for Group 1;
- f) **ADOPTS** the participation modalities and rights of Victims' Counsel as set out in paragraph 73(d) of the Fourth Decision on Victims' Participation;
- g) **ORDERS** the following protective measures:
 - i. non-disclosure of name and identifying information of Victim 298/06 to the Parties and the public;
 - ii. non-disclosure of identity, as victims participating in the proceedings, to the public for Victim 299/06, Victim 300/06, and Victim 302/06;
 - iii. [REDACTED]; and
 - iv. anonymity to Victim 301/06;
- h) **ORDERS** that Section 2 of Victim 299/06's, Victim 300/06's, and Victim 302/06's application forms may be disclosed in redacted form to the Defence, and Victim 298/06's, Victim 299/06's, Victim 300/06's, Victim 301/06's, and Victim 302/06's unredacted application form, summary and supporting documentation shall otherwise remain strictly confidential and *ex parte*;
- i) **INSTRUCTS** Victims' Counsel to inform Victim 299/06, Victim 300/06, and Victim 302/06 that their victim status and Section 2 of their application forms, redacted as necessary, will be disclosed to the Parties, and to consult with

Victim 299/06; Victim 300/06; and Victim 302/06 about any concerns and proposed redactions to Section 2 of their application forms. Victims' Counsel shall submit such concerns, if any, to the Panel by Monday, 16 June 2025; and

j) **ORDERS** Victims' Counsel to liaise with the SPO to file an updated confidential list of [REDACTED], by Tuesday, 1 July 2025.



Judge Charles L. Smith, III

Presiding Judge

Dated this Thursday, 15 May 2025

At The Hague, the Netherlands.