

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: 28 May 2025

Language: English

Classification: Public

Victims' Counsel's Submissions on the Presentation of the Victims' Case

Specialist Prosecutor's Office
Kimberly P. West

Counsel for Hashim Thaçi
Luka Mišetić

Counsel for Kadri Veseli
Rodney Dixon

Counsel for Victims
Simon Laws

Counsel for Rexhep Selimi
Geoffrey Roberts

Counsel for Jakup Krasniqi
Venkateswari Alagendra

I. INTRODUCTION

1. Pursuant to Article 22 (1), (6) and (7) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law"), Rules 114(4)(a) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), and the Trial Panel's Oral Order of 23 April 2025,¹ Victims' Counsel provides this overview for the Panel and the Parties on his intended presentation of the Victims' Case.

II. CLASSIFICATION

2. This submission is classified as public as it contains no information that could identify victims participating in this case who have been granted anonymity.

III. PROCEDURAL HISTORY

3. On 23 April 2025, the Trial Panel ordered Victims' Counsel to submit "the roadmap to the Victims' case as well as any motions under Rule 153 to 155, bar table motions and any other related filings pursuant to the Rules and the Panel's Order on Conduct of Proceedings" by 28 May 2025.²

IV. APPLICABLE LAW

4. Rule 114(5) provides,

Where evidence was not produced by the Parties or the produced evidence does not adequately address the impact the alleged crimes have on the personal interests of victims participating in the proceedings, Victims' Counsel may request the Panel to order the submission of relevant evidence or call witnesses to testify. In such cases, the Panel may order Victims' Counsel to disclose relevant material to the Parties, if this material is in his or her custody or control.

V. SUBMISSIONS

A) Filings forming part of the Victims' presentation of evidence

5. Victims' Counsel has made the following filings in relation to the Victims' case:

¹ *Specialist Prosecutor v. Thaçi et al*, KSC-BC-2020-06, In Court – Oral Order, 23 April 2025, page 26177 line 1 to page 26177 line 21 ("Oral Order").

² Oral Order.

- (1) On 2 May 2025, Victims' Counsel filed Victims' Counsel's submission of expert reports with a request to admit them into evidence with eight confidential annexes.³ This filing submitted reports from experts in the fields of mental health and economic loss.
- (2) On today's date, 28 May 2025, Victims' Counsel files:
 - (a) this filing, providing a roadmap to the Victims' case,
 - (b) a filing seeking the admission of evidence through Rule 153,
 - (c) a Bar Table motion,
 - (d) a filing seeking the admission of documents providing supplementary information on harm, and
 - (e) a witness and exhibit list.
6. The Victims' case consists of the evidence requested for admission in the filings outlined above, and should the Panel agree, of the oral testimony of the mental health experts. As previously stated, the two proposed expert witnesses from iMMO are available to testify in the weeks commencing 7 and 14 July 2025.
7. Victims' counsel does not propose to call any other witnesses.

B) Further filings anticipated by Victims' Counsel

8. Victims' Counsel anticipates making the following further filings that are relevant for the presentation of evidence on behalf of VPPs in this case, or for the full and consistent recognition of the scope of the harm suffered by individual victims participating in these proceedings.

(1) A Motion for judicial notice of adjudicated facts from Case 04

9. In the event that the convictions in Case 04 are confirmed, Victims' Counsel intends to submit a motion for judicial notice of adjudicated facts from Trial Panel

³ F03160, Victims' Counsel's submission of expert reports with a request to admit them into evidence with eight confidential annexes, 2 May 2025.

I's findings in relation to harm suffered by the VPPs in Case 04 (who are also VPPs in Case 06).

10. Victims' Counsel notes that the filing cannot be submitted at this stage as the appellate proceedings are not yet at an end.⁴

(2) A submission on the standards applicable to the assessment of harm

11. Victims' Counsel intends to file an additional motion in respect of the legal framework and jurisprudence of the KSC in relation to the assessment of harm and related matters.⁵

(3) A submission mapping the VPPs in this case against the indictment and identifying the inconsistencies in the decisions on victims' participation in relation to admission of some of the VPPs

12. Victims' Counsel intends to file a submission with a mapping of the VPPs against the charges in the Indictment. This submission will note inconsistencies in the decisions on victims' participation by the Pre-Trial Judge and the Trial Panel in relation to a number of VPPs. These inconsistencies primarily relate to recognition of the crimes due to which the VPPs concerned have suffered harm. Some VPPs have not been admitted in relation to certain crimes in respect of which there is evidence to justify an application for reconsideration pursuant to Rule 79 of the Rules. This is necessary for the record of the case to accurately recognize the extent of harm suffered by the VPPs that falls within the scope of the charges against the Accused in this case. Victim's Counsel submits that the appropriate time to make this submission is after the closing of the evidentiary proceedings when all relevant information is available.

⁴ Oral hearings in the Case 04 Appeal were held on 15 and 16 May 2025.

⁵ For example, KSC-BC-2020-04/F00558, Victims' Counsel's Submissions pursuant to the Order of 4 May 2023 setting further procedural steps for the presentation of evidence by Victims' Counsel with six confidential annexes, 30 June 2023.

VI. CONCLUSION

13. Victims' have the right to have the harm they suffered recognised and the right to contribute meaningfully, through the modalities of their participation, to the recognition of their harm and of the responsibility of those at the origin of it.⁶ The evidence and submissions listed above are intended to facilitate the Panel in realizing the rights of the VPPs as provided under the KSC's legal framework.
14. At the same time, the Victims' case that is to be presented during the trial and the Trial Panel's determination in relation to harm suffered by the VPPs will also be relevant for the possible future reparation proceedings. It is in this context that Victims' Counsel notes also that the material that he seeks to have admitted will allow the Panel to include in its judgment a decision pursuant to Article 22(7) of the Law on the scope and extent of any damage, loss and injury suffered, and that is regardless of the outcome of the case.

Word count: 1083



Simon Laws KC
Counsel for Victims



Maria Radziejowska
Co-Counsel for Victims

28 May 2025
At The Hague, the Netherlands.

⁶ *Prosecutor v. Salih Mustafa*, KSC-BC-2020-05/F00152, Decision on victims' procedural rights during trial, 12 July 2021, para. 16. *Prosecutor v Pjetër Shala*, KSC-BC-2020-04/F00433, Decision on victims' procedural rights during trial and related matters, 24 February 2023, para. 25.