



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: 4 June 2025

Language: English

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**Public Redacted Version of
Decision on the Twentieth 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 by 15 February 2023 ("Order").¹
2. On 3 April 2023, the Specialist Prosecutor's Office ("SPO") opened its case.²
3. On 11 April 2025, the Victims' Participation Office ("VPO") filed the twentieth report on victims' applications for participation in the proceedings ("Twentieth Report") transmitting to the Panel one application for the status of a participating victim.³
4. On 15 April 2025, the SPO filed a notice announcing the closing of its case.⁴
5. No Party or participant responded to the Twentieth Report.

II. SUBMISSIONS

6. The VPO provides a detailed explanation of the timing of the Twentieth Report and the transmission of Victim 303/06's application after the

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 F03108, Registry, *Twentieth Registry Report on Victims' Applications for Participation in the Proceedings*, 11 April 2025, confidential and *ex parte*, with one Annex, strictly confidential and *ex parte*, (a confidential redacted version of the core filing was filed on 23 April 2025, (F03108/CONF/RED), which was reclassified as public on 2 May 2025 (F03108/RED)).

⁴ F03121, Specialist Prosecutor, *Prosecution Notice Pursuant to Rule 129*, 15 April 2025.

expiration of the applicable time limit.⁵ The VPO recommends that, despite the submission of the application after the applicable deadline, Victim 303/06 be admitted to participate as a victim in the proceedings.⁶

III. APPLICABLE LAW

7. The Panel incorporates by reference the law applicable to the admission of victims for participation in the proceedings set out in its previous decisions.⁷

IV. DISCUSSION

A. VALIDITY OF THE FILING OF THE REPORT

8. 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;⁸ and (ii) the case opened pursuant to Rule 124 on 3 April 2023.⁹ Therefore, as acknowledged by the VPO,¹⁰ the time limit to file applications for admission of victims participating in the proceedings has expired.¹¹

⁵ Twentieth Report, paras 7-10.

⁶ Twentieth Report, para. 25.

⁷ 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).

⁸ Transcript of Hearing, 18 January 2023, p. 1902, lines 22-25.

⁹ See Transcript of Hearing, 15 February 2023, p. 2038, lines 15-17; Transcript of Hearing, 3 April 2023, p. 2140.

¹⁰ Twentieth Report, paras 7, 10.

¹¹ 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

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

10. The Panel observes that the VPO received a hard copy of a completed application form for Victim 303/06 on 21 March 2025 from [REDACTED]¹² and Victim 303/06 [REDACTED].¹³ The VPO submits that:

- (i) in a telephone call with Victim 303/06 on 24 March 2025, the VPO explained the application process and indicated that the deadline for the submission of applications had passed;¹⁴
- (ii) the applicant learned about the victims’ participation from the news a few years ago, but was never informed about the process or applicable rights. Victim 303/06 further stated during this telephone call that this process had been difficult and asserted that they are a victim entitled to compensation;¹⁵
- (iii) VPO held a further meeting with Victim 303/06 on 11 April 2025 regarding protective measures;¹⁶
- (iv) although prior to the [REDACTED], Victim-303/06 was aware of the possibility to participate as a victim in the proceedings, the applicant was neither properly informed nor advised [REDACTED] about the process. Therefore, the applicant was unable to apply to participate in the proceedings within the deadline set by the Panel, due to an internal oversight for which the applicant is not responsible.¹⁷

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).

¹² Twentieth Report, para. 6; Annex 1 to the Twentieth Report, p. 2.

¹³ [REDACTED].

¹⁴ Twentieth Report, paras 7, 8; Annex 1 to the Twentieth Report, p. 2.

¹⁵ Twentieth Report, para. 7. *See also* Twentieth Report, para. 10.

¹⁶ Twentieth Report, para. 8; Annex 1 to the Twentieth Report, p. 2.

¹⁷ Twentieth Report, para. 10.

11. 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, nor was the applicant fully informed of that deadline, applicable rights or the application process [REDACTED]; and (ii) based on the information provided by the VPO, the circumstances for submitting the application after the deadline were outside Victim 303/06's control.

12. The Panel is therefore satisfied that good cause has been shown to consider as valid the transmission of Victim 303/06's application after the time limit set in the Order.

13. In light of the above, the Panel, exercising its discretion, finds that the application of Victim 303/06 is timely. The Panel will therefore assess the application on its merits.

B. ASSESSMENT OF APPLICATIONS

14. The VPO recommends that the Panel admit Victim 303/06 as a participating victim.¹⁸

15. Having assessed the application form and supporting documentation submitted in the Twentieth Report, the Panel is satisfied that the application is complete.¹⁹ The Panel notes that the applicant provided a valid passport.²⁰ The Panel is further satisfied that the applicant is a natural person.²¹

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

16. The Panel recalls that, as confirmed by the Court of Appeals, "the crime(s) in

¹⁸ Twentieth Report, para. 25.

¹⁹ Twentieth Report, para. 13. *See also* Annex 1 to the Twentieth Report; Victim 303/06 Supporting Documents.

²⁰ *See* Victim 303/06 Supporting Documents.

²¹ Twentieth Report, para. 16.

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.”²²

17. In making its assessment, the Panel conducted an individualised analysis of the application form, the supporting material, and the relevant parts of the Indictment.²³

18. The Panel is satisfied that the applicant is a victim 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, the Panel is satisfied that there is *prima facie* evidence that Victim 303/06 is a direct victim of unlawful detention and cruel treatment by the members of the Kosovo Liberation Army (“KLA”) allegedly committed in [REDACTED] between 18 November 1998 and 25 March 1999.²⁴

2. Alleged Harm

19. The Panel is satisfied that Victim 303/06 has *prima facie* suffered physical harm (as a result of the mistreatment endured in detention) and mental harm (trauma, stress, and anxiety) as a direct result of the alleged crimes.²⁵

20. The above findings concerning harm are without prejudice to any future

²² IA005/F00008, Court of Appeals, *Decision on Appeal Against “First Decision on Victims’ Participation”*, 16 July 2021, para. 35.

²³ F00999, Specialist Prosecutor, *Submission of Confirmed Amended Indictment* (“Indictment”), 30 September 2022, with Annex 1, confidential, Annex 2, confidential, and Annex 3. *See also* F01323/A01, Specialist Prosecutor, *Public Lesser Redacted Version of Amended Indictment*, 27 February 2023.

²⁴ Twentieth Report, paras 18-19; Annex 1 to the Twentieth Report, p. 2; **Victim 303/06** Application Form. *See also* Indictment, paras [REDACTED]; Schedule [REDACTED].

²⁵ *See* **Victim 303/06** Supporting Documents.

ruling following submission of additional material.

3. Conclusion

21. In light of the above, the Panel finds that there is *prima facie* evidence that Victim 303/06 has suffered harm as a direct result of crimes alleged in the Indictment. Accordingly, the Panel admits the applicant as a participating victim in the proceedings.

C. PROTECTIVE MEASURES

22. Victim 303/06 requests non-disclosure of identifying information to the public.²⁶ The Panel notes that Victim 303/06 was, [REDACTED].²⁷ On 24 February 2025, [REDACTED].²⁸ The Panel observes that the identity of Victim 303/06, [REDACTED], [REDACTED].²⁹ 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.³⁰

23. The Panel recalls that the legal test for protective measures in relation to participating victims is the same as that in relation to witnesses.³¹

24. The Panel is satisfied that [REDACTED]. In addition, the Panel recalls the general climate of witness and victim intimidation prevailing in Kosovo, particularly in criminal proceedings against former members of the KLA.³²

²⁶ Twentieth Report, para. 33; Annex 1 to the Twentieth Report, pp. 2-3.

²⁷ [REDACTED].

²⁸ [REDACTED].

²⁹ See [REDACTED].

³⁰ Twentieth Report, para. 35.

³¹ [REDACTED].

³² See [REDACTED].

Further, the Panel is mindful that by virtue of the status as a victim participating in the proceedings, Victim 303/06 is especially vulnerable.³³

25. As regards the proportionality of the measures, the Panel recalls that: (i) [REDACTED] of Victim 303/06 will be disclosed to the Accused as set out below; and (ii) protective measures ordered in relation to Victim 303/06 are without prejudice to their variation at a later stage, if and when the need arises.³⁴

26. In light of the foregoing, the Panel orders that [REDACTED] and that the identity of Victim 303/06, as a victim participating in the proceedings, shall not be disclosed to the public.

27. As a result, the Panel finds it appropriate to maintain the classification of Annex 1 to the Twentieth Report as strictly confidential and *ex parte*.

D. APPLICATION FORMS

28. 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*.³⁵ The Panel further recalls that this is without prejudice to the Panel's decision to grant access to the Defence to redacted versions of Section 2 of the application forms and, where necessary, supporting documents of [REDACTED].³⁶

29. In accordance with its previous practice, the Panel considers it appropriate to ensure that the Defence has access to Section 2 of the application form of

³³ 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 Decision"), 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).

³⁴ See e.g. First Decision, para. 69; Second Decision, para. 53.

³⁵ [REDACTED].

³⁶ See e.g., [REDACTED].

Victim 303/06.³⁷ The Panel therefore instructs Victims' Counsel to review the applicant's application form *ex parte*, consult with the applicant, and submit any concerns that the applicant may have regarding disclosure of Section 2 of these forms to the Parties.

30. The Panel recalls that, in this process, Victims' Counsel should make the applicant aware that, subject to redactions justified by fact-specific reasons, Section 2 of the application form will be transmitted to the Defence.³⁸ Victims' Counsel must also inform Victim 303/06 that the application form will not be shared with the public.

E. GROUPING AND COMMON LEGAL REPRESENTATION

31. The Panel notes the VPO's recommendation that Victim 303/06 be grouped together with the other victims participating in the proceedings.³⁹ The Panel observes that the applicant was 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 the applicant shares, with other victims in Group 1, a common interest in participating in the proceedings and pursuing the applicant's rights.

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

33. Moreover, the applicant did not indicate a preference with regard to legal representation.⁴⁰ The VPO recommends that, if admitted, the applicant be represented by the assigned Victims' Counsel.⁴¹ The Panel is satisfied that the

³⁷ [REDACTED].

³⁸ [REDACTED].

³⁹ Twentieth Report, paras 29, 30.

⁴⁰ Twentieth Report, para. 31.

⁴¹ Twentieth Report, para. 32.

recommended course is consistent with the effective guarantee of the rights of the applicants concerned.

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

F. PARTICIPATION IN TRIAL PROCEEDINGS

35. Victim 303/06 shall exercise the 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.⁴²

V. DISPOSITION

36. For these reasons, the Panel hereby:

- a) **DECLARES** the application of Victim 303/06 to be timely;
- b) **GRANTS** the application of Victim 303/06;
- c) **DECIDES** that Victim 303/06 shall be included in Group 1 for the purpose of common representation and shall be represented by Victims' Counsel for Group 1;
- d) **ADOPTS** the participation modalities and rights of Victims' Counsel as set out in paragraph 73(d) of the Fourth Decision on Victims' Participation;
- e) **ORDERS** the non-disclosure of Victim 303/06's identity, as a victim participating in the proceedings, to the public and that [REDACTED];
- f) **INSTRUCTS** Victims' Counsel to inform Victim 303/06 that their victim status and Section 2 of the application form, redacted as necessary, will be disclosed to the Parties, and to consult with Victim 303/06 about any concerns and

⁴² 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.

proposed redactions to Section 2 of the application form. Victims' Counsel shall submit such concerns, if any, to the Panel by Friday, 4 July 2025;

- g) **ORDERS** that Section 2 of Victim 303/06's application form may thereafter be disclosed in redacted form to the Defence and the unredacted application form, summary and supporting documentation shall otherwise remain strictly confidential and *ex parte*; and
- h) **ORDERS** Victims' Counsel to liaise with the SPO to file an updated confidential list of [REDACTED], by Friday, 18 July 2025.



Judge Charles L. Smith, III

Presiding Judge

Dated this Wednesday, 4 June 2025

At The Hague, the Netherlands.