



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: 17 April 2026

Language: English

Classification: Public

**Public Redacted Version of Decision on Victims' Counsel's Request for
Resumption of Action of V072/06**

Specialist Prosecutor

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TRIAL PANEL II ("Panel"), pursuant to Articles 3, 21(2), 22(3) and (6) and 23 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 4(1), 5, 80 and 114(4)(a) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 12 December 2022, the Pre-Trial Judge granted V072/06's application to participate as a victim in these proceeding.¹
2. On 4 March 2026, Victims' Counsel notified the Panel of V072/06's death and requested the Panel to permit two individuals to resume the action initiated by V072/06 ("Request").²
3. No responses to the Request were filed.

II. SUBMISSIONS

4. Victims' Counsel submits that he was informed that V072/06 passed away on [REDACTED] and requests that that V072/06's [REDACTED] and [REDACTED] ("Relatives") be permitted to resume the action initiated by V072/06.³ Victims' Counsel submits that consistent with the Panel's previously adopted approach, the participatory rights of victims extend to a participating victim's heirs in the event of death and in order to guarantee these rights, relatives of deceased victims

¹ F01152, Pre-Trial Judge, *Fourth Decision on Victims' Participation* ("Fourth Decision on Victims' Participation"), 12 December 2022, strictly confidential and *ex parte*, paras 41(d), 44(a), 46, 73(a) and (e) (a public redacted version was issued on 14 December 2022, F01152/RED). *See also* F00894, Registrar, *Fifth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings* ("Fifth Registry Report"), 22 July 2022, with Annexes 1-26, strictly confidential and *ex parte*.

² F03691, Victims' Counsel, *Victims' Counsel's Request for Resumption of Action of V072/06*, 4 March 2026, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte* (a public redacted version was issued on the same day, F03691/RED).

³ Request, paras 1-2, 6. *See also* Annex to the Request, pp. 2-6.

or closely-connected individuals may participate in their place.⁴ Victims' Counsel provides evidence of V072/06's death and the Relatives' relationship with V072/06.⁵ Lastly, Victims' Counsel states that while the identity of V072/06 has been disclosed to the Defence by virtue of him being a dual status witness-victim, the identities of the Relatives have not.⁶

III. DISCUSSION

5. At the outset, the Panel is satisfied that good cause and exceptional circumstances justify the filing of the Request pursuant to Rule 136(2) since the relief sought relates to the resumption of the action initiated by V072/06 who passed away on [REDACTED],⁷ shortly before the Presiding Judge declared the case closed pursuant to Rule 136(1).⁸ The Panel also observes that the Parties have not responded to the Request.

6. The Panel recalls that the question of whether a close family member or a closely connected individual may continue the action of a deceased participating victim is not expressly regulated in the Law or in the Rules.⁹

7. However, as the Panel previously held, it is appropriate to interpret the participatory rights of victims in Rules 113 and 114 so as to extend to a participating victim's heirs in the event of death.¹⁰ This interpretation is supported by Article 22(3), which provides that victims have the right to notification, acknowledgement, and reparation. As noted by the Pre-Trial Judge, the right of

⁴ Request, para. 8.

⁵ Request, paras 9-10. *See also* Annex to the Request, pp. 2-6.

⁶ Request, para. 3.

⁷ Request, paras 6, 9.

⁸ Transcript of Hearing, 18 February 2026, p. 29238.

⁹ F02798, Panel, *Decision on Victims' Counsel's Request for Resumption of Action Initiated by V254/06* ("Decision of 18 December 2024"), 18 December 2024, strictly confidential and *ex parte*, para. 5, fn. 7 and references cited therein (a public redacted version was issued on the same day, F02798/RED).

¹⁰ Decision of 18 December 2024, para. 6, fn. 8 and references cited therein.

acknowledgement requires that the harm suffered by the victim is recognised.¹¹ In order to guarantee the effectiveness of this right, relatives of deceased victims or closely-connected individuals may participate in their place if specific parameters are satisfied.¹² For instance, the European Court of Human Rights accepts that an application lodged by the original applicant before his or her death may be continued by heirs or close family members expressing the wish to pursue the proceedings, provided that they have a sufficient/legitimate interest in the case.¹³

8. In order for an individual to stand in for a deceased participating victim, evidence must be provided that:

- a) the victim is deceased, and
- b) the individual seeking to resume the action on behalf of the deceased victim was a relative or closely connected individual.¹⁴

9. The Panel observes that in support of the Request, Victims' Counsel submitted: (i) the death certificate of V072/06; (ii) the birth certificate of V072/06's [REDACTED]; and (iii) a certificate [REDACTED] related to V072/06's [REDACTED] and its partial translation.¹⁵ In addition, the Panel notes that, with the Fifth Registry Report, the Registrar provided the Pre-Trial Judge with: (i) the application of V072/06 to participate as a victim in the proceedings ("Application"); and (ii) the documents supporting the Application, *inter alia*,

¹¹ Decision of 18 December 2024, para. 6, fn. 9 and referenced cited therein. *See also* F00611, Pre-Trial Judge, *Second Decision on Victims' Participation*, 10 December 2021, strictly confidential and *ex parte* (a confidential redacted version and a public redacted version were issued on the same date, F00611/CONF/RED, F00611/RED), para. 32.

¹² Decision of 18 December 2024, para. 6, fn. 10 and referenced cited therein.

¹³ *See* ECtHR, [López Ribalda and Others v. Spain \[GC\], nos. 1874/13 and 8567/13](#), 17 October 2019, paras 71-3; [Malhous v. the Czech Republic \(dec.\) \[GC\], no. 33071/96](#), 12 July 2021; [Tagiyev and Huseynov v. Azerbaijan, no. 13274/08](#), 5 May 2020, paras 23-24 and references cited therein.

¹⁴ Decision of 18 December 2024, para. 7, fn. 12 and referenced cited therein.

¹⁵ Annex 1 to the Request, pp. 3-6.

V072/06's identity document ("Supporting Documents").¹⁶ Each of these documents reflects its official nature based upon its letterhead, layout and official stamp and the Panel is therefore satisfied of the authenticity and reliability of these documents. The Panel is further satisfied that the documents establish V072/06's death and that the Relatives are indeed close relatives of V072/06. Accordingly, the Panel finds that Victims' Counsel's submissions satisfy the requirements outlined above for the closely connected individuals of V072/06 to continue the action.¹⁷

IV. PROTECTIVE MEASURES

10. The Panel notes that, while V072/06 was initially granted the protective measure of anonymity as a victim participating in the present proceedings,¹⁸ the identity of V072/06 as a dual status witness has since been disclosed to the Defence.¹⁹ While Victims' Counsel does not raise any particular concerns warranting the granting of protective measures,²⁰ considering the absence of objection on the part of the Parties to such measures being granted and considering that the Relatives did not testify in these proceedings, the Panel is prepared to grant the Relatives the protective measure of anonymity by using only pseudonyms to refer to them in filings available to the Parties and the public. The Panel finds that those measures are not prejudicial to or inconsistent with the rights of the Accused as guaranteed in Article 21.

¹⁶ Fifth Registry Report; Application and Supporting Documents.

¹⁷ This determination is without prejudice to the standing that V072/06's representatives may have to claim reparations if a conviction is entered.

¹⁸ Fourth Decision on Victims' Participation, paras 60, 73(e).

¹⁹ F01199/A01, Specialist Prosecutor's Office and Victims' Counsel, *Annex 1 to Victims' Counsel and SPO Joint Filing in Compliance with Decision F01153*, 12 January 2023, strictly confidential and *ex parte*, with Annex 1, strictly confidential and *ex parte* (the filing and the annex were reclassified as confidential on 1 February 2023).

²⁰ Request, para. 3.

V. DISPOSITION

11. For the foregoing reasons, the Panel hereby:

- a) **GRANTS** the Request, and allows the Relatives to resume V072/06's action as victims participating in the present proceedings;
- b) **ORDERS** that the protective measures of anonymity be granted to the Relatives for the purposes of their participation as victims in the proceedings;
- c) **ORDERS** that the names and identifying information of the Relatives be withheld from the Parties and the public; and
- d) **ORDERS** that: (i) the pseudonym of V072A/06 be assigned to V072/06's [REDACTED]; and (ii) the pseudonym of V072B/06 be assigned to V072/06's [REDACTED] for the purposes of these proceedings.



Judge Charles L. Smith, III

Presiding Judge

Dated this Friday, 17 April 2026

At The Hague, the Netherlands.