



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: 29 July 2026

Language: English

Classification: Public

**Public Redacted Version of
Decision on Victims' Counsel's Request for Resumption of Action of V02/06**

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 21 April 2021, the Pre-Trial Judge granted V02/06's application to participate as a victim in these proceedings.¹
2. On 27 August 2024, Victims' Counsel notified the Panel of the death of V02/06 ("Notification of V02/06's Death").²
3. On 8 June 2026, Victims' Counsel requested the Panel to permit V02/06's [REDACTED], [REDACTED], to resume the action initiated by V02/06 ("Request").³
4. No responses to the Request were filed.

II. SUBMISSIONS

5. Victims' Counsel requests that V02/06's [REDACTED], [REDACTED], be permitted to resume the action initiated by V02/06.⁴ Victims' Counsel provides evidence of [REDACTED] relationship with V072/06.⁵ Victims' Counsel submits

¹ F00257, Pre-Trial Judge, *First Decision on Victims' Participation*, 21 April 2021, confidential, para. 85(a) (a public redacted version was issued on the same day, F00257/RED). *See also* F00203, Registrar, *First Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings*, 15 February 2021, with Annexes 1-19, confidential and *ex parte*.

² F02512, Victims' Counsel, *Victims' Counsel's Notification of Death of Victim 02/06*, 27 August 2024, confidential and *ex parte* (a public redacted version was issued on the same day, F02512/RED).

³ F03744, Victims' Counsel, *Victims' Counsel's Request for Resumption of Action of V02/06*, 8 June 2026, confidential, with Annex 1, strictly confidential and *ex parte* (a public redacted version was issued on the same day, F03744/RED).

⁴ Request, paras 1, 19.

⁵ Annex 1 to the Request.

that he has standing to bring the Request as he was previously assigned to represent interests of V02/06.⁶ Victims' Counsel further submits that [REDACTED] identity has been disclosed to the Defence as a result of [REDACTED] but has not been disclosed to the public.⁷

6. Furthermore, Victims' Counsel informs the Panel that the Request is only submitted at this point in time due to [REDACTED] misunderstanding and confusion as to the procedures necessary to ensure [REDACTED] and V02/06's continued participation.⁸ In particular, Victims' Counsel outlines that: (i) following the death of V02/06, [REDACTED] declined to engage with the possibility of resuming V02/06's actions despite having the procedures explained to him;⁹ (ii) [REDACTED] later contacted Victims' Counsel, explaining that [REDACTED] did not understand that [REDACTED] had to take any steps [REDACTED] in order to participate as a victim, and that [REDACTED] had assumed that this would happen automatically [REDACTED];¹⁰ (iii) [REDACTED] also explained that [REDACTED] was concerned by having repeated contacts from different organs of the Specialist Chambers and that [REDACTED] did not know whether [REDACTED] could trust the people calling [REDACTED];¹¹ and (iv) [REDACTED] explained that the misunderstanding had been exacerbated by [REDACTED].¹² Victims' Counsel finally submits that it is in the interest of justice to permit [REDACTED] to resume V02/06's action and there is no prejudice to any Party from the delay.¹³

⁶ Request, para. 6.

⁷ Request, para. 2.

⁸ Request, para. 11.

⁹ Request, para. 12.

¹⁰ Request, paras 13, 17, fn. 11.

¹¹ Request, paras 14, 17.

¹² Request, paras 14-15.

¹³ Request, para. 18.

III. DISCUSSION

7. 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 action initiating the Request was taken by [REDACTED] on or about [REDACTED],¹⁴ after the Presiding Judge declared the case closed pursuant to Rule 136(1).¹⁵ The Panel also observes that the Parties have not responded to the Request.

8. 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.¹⁶

9. 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.¹⁷ 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 acknowledgement requires that the harm suffered by the victim is recognised.¹⁸ 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.¹⁹ 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

¹⁴ Request, para. 13, fn. 11.

¹⁵ Transcript of Hearing, 18 February 2026, p. 29238.

¹⁶ 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).

¹⁷ Decision of 18 December 2024, para. 6, fn. 8 and references cited therein.

¹⁸ 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*, para 32 (a confidential redacted version and a public redacted version were issued on the same date, F00611/CONF/RED, F00611/RED).

¹⁹ Decision of 18 December 2024, para. 6, fn. 10 and referenced cited therein.

the proceedings, provided that they have a sufficient/legitimate interest in the case.²⁰

10. 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.²¹

11. As a preliminary matter, the Panel notes the submissions put forward by Victims' Counsel, in particular to the effect that the delay in submitting the Request appears to have been mainly caused by [REDACTED] fears and vulnerability in connection with the proceedings and the crimes allegedly committed against V02/06.²² The Panel is satisfied that permitting Victims' Counsel to file a request for [REDACTED] to resume action on behalf of V02/06 and allowing [REDACTED] to do so is in the interest of justice and no prejudice results to the Parties from the delay.

12. The Panel recalls that, on 27 August 2024, it received the Notification of V02/06's Death stating that V02/06 had passed away on [REDACTED].²³ [REDACTED] [REDACTED] also [REDACTED] that V02/06 had passed away.²⁴ In addition, in support of the Request, Victims' Counsel has submitted the [REDACTED] of [REDACTED] which records V02/06 as [REDACTED].²⁵ The Panel is, therefore, satisfied that the information before it establishes V02/06's death and that [REDACTED] is a close relative of V02/06. Accordingly, the Panel finds that

²⁰ See ECtHR, *López Ribalda and Others v. Spain* [GC], nos. 1874/13 and 8567/13, 17 October 2019, paras 71-73; *Malhous v. the Czech Republic (dec.)* [GC], no. 33071/96, Judgement, 12 July 2021; *Tagiyev and Huseynov v. Azerbaijan*, no. 13274/08, Judgement, 5 May 2020, paras 23-24 and referenced cited therein.

²¹ Decision of 18 December 2024, para. 7, fn. 12 and referenced cited therein.

²² Request, paras 14-17.

²³ Notification of V02/06's Death, para. 5.

²⁴ [REDACTED].

²⁵ Annex 1 to the Request.

Victims' Counsel's submissions satisfy the requirements outlined above for the closely connected relative of V02/06 to continue the action.²⁶

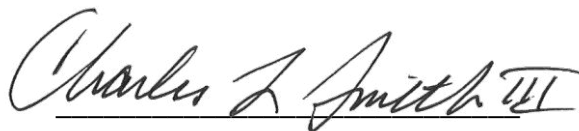
IV. PROTECTIVE MEASURES

13. [REDACTED] identity is known to the Parties, as [REDACTED] is a [REDACTED]. Considering that [REDACTED],²⁷ the Panel does not consider that there is any need for [REDACTED] for [REDACTED]. Nevertheless, the Panel considers that the identity and identifying information of [REDACTED], as a victim in these proceedings, may not be disclosed to the public.

V. DISPOSITION

14. For the foregoing reasons, the Panel hereby:

- a) **GRANTS** the Request, and allows [REDACTED] to resume V02/06's action as a victim participating in the present proceedings; and
- b) **ORDERS** that the pseudonym of V02A/06 be assigned to [REDACTED] for the purposes of these proceedings.



Judge Charles L. Smith, III

Presiding Judge

²⁶ This determination is without prejudice to the standing that V02/06's representatives may have to claim reparations if a conviction is entered.

²⁷ [REDACTED].

Dated this Wednesday, 29 July 2026

At The Hague, the Netherlands.