



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA 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: 16 September 2026

Language: English

Classification: Public

Order in Relation to Reparation Proceedings

Specialist Prosecutor

Kimberly P. West

Counsel for Hashim Thaçi

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Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagendra

TRIAL PANEL II ("Panel"), pursuant to Articles 22(3), (8) and (9), 23(1), 40(2), and 44(6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 116(1) and (4), 167 and 168 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 4 December 2024, after having heard submissions from the Parties and participants,¹ the Panel ordered that any request for reparations should be filed by Victims' Counsel after the judgment in the case and after any verdicts on the counts are determined.²

2. On 6 November 2025, the Panel ordered Victims' Counsel and the Parties to provide written submissions in relation to the feasibility of holding the reparation proceedings prior to the trial judgment delivery and certain aspects of reparation proceedings, including the location of the reparation proceedings, presentation of evidence, if any, by Victims' Counsel and the Defence pursuant to Rule 168, and the time needed for filing of the request for reparations and any responses thereto ("Order of 6 November 2025").³

3. On 9 February 2026, during closing statements, and having heard the submissions of Victims' Counsel and the Parties,⁴ the Presiding Judge confirmed

¹ See Transcript of Hearing, 1 October 2024, p. 20571, line 20 to p. 20575, line 18; Transcript of Hearing, 2 October 2024 p. 20577, line 18 to p. 20578, line 5. See also CRSPD687, Specialist Counsel, *Email from Veseli Defence Team to CMU re Response to Victims' Counsel's Proposal in Relation to Calling the Victims' Case*, 2 December 2024, confidential.

² Transcript of Hearing, 4 December 2024, p. 23304, lines 18-24.

³ F03565, Panel, *Order for Submissions on Reparation Proceedings*, 6 November 2025, confidential, paras 11-14, 16, 19(a).

⁴ F03582, Specialist Prosecutor, *Prosecution Submissions on Reparation Proceedings* ("SPO Submissions of 17 November 2025"), 17 November 2025, confidential; F03583, Victims' Counsel, *Victims' Counsel's Submissions in Response to the Order for Submissions on Reparation Proceedings (F03565)* ("Victims' Counsel's Submissions of 17 November 2025"), 17 November 2025, confidential; F03584, Specialist Counsel, *Joint Defence Response to Order for Submissions on Reparation Proceedings* ("Defence Submissions

that any request for reparations should be filed by Victims' Counsel after the Trial Judgment in this case and after any verdicts on the counts are determined.⁵

4. On 18 February 2026, after hearing the Parties' and Victims' Counsel's closing statements, and the Accused's statements,⁶ the Presiding Judge declared the case closed pursuant to Rule 136(1).⁷

5. On 16 September 2026, the Panel delivered the Trial Judgment ("Judgment"), finding Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi guilty under Counts 3, 5, 7 and 9 of the Indictment.⁸ In the Judgment, the Panel notified the Parties and participants that it would decide in due course whether to refer victims to civil litigation in Kosovo pursuant to Article 22(9) and Rule 167 or to issue a reparation order pursuant to Articles 22(8) and 44(6).⁹

II. SUBMISSIONS

6. Victims' Counsel submitted that in case of any convictions, the Panel should not refer the victims participating in the proceedings ("VPPs") to civil litigation in Kosovo pursuant to Article 22(9) and Rule 167 given that such decision would prevent them from realising their right to reparations.¹⁰

of 17 November 2025"), 17 November 2025, confidential; Transcript of Hearing, 19 November 2025, p. 28311, line 21 to p. 28322, line 25.

⁵ Transcript of Hearing, 9 February 2026, p. 28359, line 23 to p. 28360, line 3.

⁶ Transcript of Hearing, 9 February 2026, pp. 28357-28491; Transcript of Hearing, 10 February 2026, pp. 28492-28560; Transcript of Hearing, 11 February 2026, pp. 28561-28720; Transcript of Hearing, 12 February 2026, pp. 28721-28856; Transcript of Hearing, 13 February 2026, pp. 28857-29007; Transcript of Hearing, 16 February 2026, pp. 29008-29147; Transcript of Hearing, 18 February 2026, pp. 29148-29237.

⁷ Transcript of Hearing, 18 February 2026, p. 29238, lines 23-24.

⁸ F03782, Panel, *Trial Judgment*, 16 September 2026, confidential, with Annexes 1-2, confidential, para. 4763.

⁹ Judgment, paras 4585, 4764.

¹⁰ Victims' Counsel's Submissions of 17 November 2025, paras 11, 21. *See also* Transcript of Hearing, 19 November 2025, p. 28314, lines 1-7.

7. First, Victims' Counsel noted that all of the VPPs had been granted the protective measure of anonymity *vis-à-vis* the public.¹¹ In this context, Victims' Counsel referred to the decisions issued on the application of Article 22(9) by Trial Panel I in cases KSC-BC-2020-05 ("*Mustafa* case")¹² and KSC-BC-2020-04 ("*Shala* case")¹³ wherein Trial Panel I concluded, on the basis of expert evidence presented to that effect, that pursuing civil litigation in Kosovo would be incompatible with victims retaining their anonymity and decided to issue a reparation order pursuant to Articles 22(8) and 44(6).¹⁴ In Victims' Counsel's view, these circumstances remain unchanged.¹⁵

8. Second, Victims' Counsel provided examples of other shortcomings of civil justice in Kosovo, including in relation to the length of proceedings, existence of certain level of corruption and interference within the Kosovo legal system, insufficiency of resources for the provision of legal aid, or application of statutes of limitations.¹⁶ Moreover, Victims' Counsel submitted that VPPs include a large number of Serbs, nearly all of whom no longer live in Kosovo, have protected status in third countries, or have emigrated elsewhere and it would be very difficult for them to seek reparations through civil litigation in Kosovo.¹⁷

9. On the issue of presentation of evidence for the purpose of reparation proceedings, Victims' Counsel submitted that he intended to submit expert

¹¹ Victims' Counsel's Submissions of 17 November 2025, para. 17.

¹² KSC-BC-2020-05/F00310/RED, Trial Panel I, *Public Redacted Version of Decision on the Application of Article 22(9) of the Law, Setting Forth Procedural Steps in the Case, and Requesting Information* (KSC-BC-2020-05/F00310/RED), 4 February 2022 (original version was filed confidentially on the same day, KSC-BC-2020-05/F00310).

¹³ KSC-BC-2020-04/F00421, Trial Panel I, *Decision on Reparation Proceeding* (KSC-BC-2020-04/F00421), 9 February 2023.

¹⁴ Victims' Counsel's Submissions of 17 November 2025, paras 12-15, 18.

¹⁵ Victims' Counsel's Submissions of 17 November 2025, para. 16; Transcript of Hearing, 19 November 2025, p. 28319, lines 3 to 25.

¹⁶ Victims' Counsel's Submissions of 17 November 2025, paras 18-19; Transcript of Hearing, 19 November 2025, p. 28320, lines 2-20.

¹⁷ Victims' Counsel's Submissions of 17 November 2025, para. 20; Transcript of Hearing, 19 November 2025, p. 28320, line 21 to p. 28321, line 2.

evidence pursuant to Rule 168 in writing and that it would consist of three expert reports authored by Dr Stefan Lerz and an expert report about possible forms of collective reparations in this case.¹⁸ In relation to the report authored by Dr Stefan Lerz, Victims' Counsel added that it would be submitted in a slightly different form than previously pursuant to Rule 149 to ensure that the factual findings therein are properly aligned with the factual findings in the judgment.¹⁹ Additionally, Victims' Counsel submitted that he may seek to provide other non-expert evidence, consisting of evidence from the VPPs.²⁰ Victims' Counsel submitted he did not intend to call any evidence live.²¹ Finally, Victims' Counsel submitted that the request for reparations could be filed within four weeks of the Judgment.²²

10. The SPO submitted that it supported Victims' Counsel's submissions not to refer victims to civil litigation in Kosovo,²³ and that it would request the same deadline for responding to any request for reparations as that afforded to the Defence.²⁴

11. The Defence jointly submitted that no submissions on reparations could be made by the Defence in advance of judgment,²⁵ including in relation to whether the Panel should refer the victims for civil litigation in Kosovo or issue a reparation order.²⁶ Nevertheless, the Veseli Defence submitted that a wholesale blanket rejection of the national jurisdiction is unfair, particularly when the

¹⁸ Victims' Counsel's Submissions of 17 November 2025, paras 22-24.

¹⁹ Transcript of Hearing, 19 November 2025, p. 28315, lines 14-19.

²⁰ Victims' Counsel's Submissions of 17 November 2025, para. 25; Transcript of Hearing, 19 November 2025, p. 28317, lines 15-23.

²¹ Victims' Counsel's Submissions of 17 November 2025, paras 26, 29.

²² Victims' Counsel's Submissions of 17 November 2025, para. 37.

²³ Transcript of Hearing, 19 November 2025, pp. 28311 lines 21-25 to p. 28312, line 1.

²⁴ Transcript of Hearing, 19 November 2025, p. 28312, lines 5-8.

²⁵ Defence Submissions of 17 November 2025, para. 6; Transcript of Hearing, 19 November 2025, p. 28312, lines 15-17.

²⁶ Defence Submissions of 17 November 2025, para. 10; Transcript of Hearing, 19 November 2025, p. 28313, lines 4-5, p. 28314, line 16 to p. 28315, line 1.

Specialist Chambers (“SC”) are there to assist the national jurisdiction²⁷ and that expert evidence on this issue may be needed.²⁸ According to the Veseli Defence, depending on the Panel’s findings in the Judgment, it may be appropriate for some victims to “go to Kosovo”, and others not.²⁹ The Krasniqi Defence added that its submissions on this matter have to be assessed in light of the availability of the protective measures in national proceedings in Kosovo and findings made on this point in the *Shala* and *Mustafa* cases.³⁰ The Veseli Defence submitted that it would require four weeks to respond to the request for reparations.³¹

12. For the same reasons as those raised in relation to referring the VPPs to civil litigation in Kosovo, the Defence jointly submitted that it was not in a position to inform the Panel as to whether it intended to present any evidence pursuant to Rule 168 but informed that it would require four weeks from the service of Victims’ Counsel’s evidence, or judgment, whichever is the later in time.³²

III. APPLICABLE LAW

13. Pursuant to Article 22(3), a victim’s personal interest and rights in the criminal proceedings before the SC are notification, acknowledgement and reparation.

14. Pursuant to Article 22(8), in the event that a Trial Panel or Court of Appeals Panel of the SC adjudges an accused guilty of a crime, it may make an order directly against that accused specifying appropriate reparation to, or in respect of, Victims collectively or individually.

15. Pursuant to Article 22(9), where appropriate, the SC may refer the Victims to

²⁷ Transcript of Hearing, 19 November 2025, p. 28313, lines 1-4, p. 28321, line 9 to p. 28322, line 4.

²⁸ Transcript of Hearing, 19 November 2025, p. 28321, line 9 to p. 28322, lines 4, 6-7.

²⁹ Transcript of Hearing, 19 November 2025, p. 28312, lines 20-25.

³⁰ Transcript of Hearing, 19 November 2025, p. 28313, lines 11-22.

³¹ Transcript of Hearing, 19 November 2025, p. 28313, lines 6-10.

³² Defence Submissions of 17 November 2025, para. 11.

civil litigation in the other courts of Kosovo.

16. Pursuant to Article 44(6), in addition to imprisonment, the SC may order only the convicted person to make restitution or pay compensation to a Victim or to Victims collectively, or may order the forfeiture of property, proceeds and any assets used for or deriving from the commission of the crime and their return to their rightful owner or sale and share between Victims under Article 22.

17. Pursuant to Rule 168, if the Panel makes an order pursuant to Article 22(8) of the Law against the convicted person, upon request by Victims' Counsel, the convicted person or *proprio motu*, a Panel may appoint experts to assist it in determining the scope of any damage to, or in respect of victims and to suggest options concerning appropriate individual or collective reparations from the convicted person. The Panel may invite Victims' Counsel and the convicted person to make observations on expert reports.

IV. DISCUSSION

A. APPLICATION OF ARTICLE 22(9)

18. The Panel notes that Article 22(9) does not establish criteria to decide in which circumstances it would be appropriate to refer victims to civil litigation to the other court in Kosovo.³³ However, the same article underscores that victims may be referred to civil litigation in the other courts of Kosovo "where appropriate". Furthermore, the Panel notes that Article 13(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 2(3) of the International Covenant on Civil and Political Rights provide that everyone whose rights or freedoms set out in those instruments are violated "shall have an effective remedy".

³³ KSC-BC-2020-04, F00421, para. 21.

19. In this regard, the Panel notes Victims' Counsel's submissions, which largely rely on the findings made by expert witnesses in the *Mustafa* case, that civil litigation in Kosovo does not offer appropriate avenues for victims in the present case to seek adequate and time reparations.³⁴ Victims' Counsel points to the fact that the experts in the *Mustafa* case submitted that should victims of crimes within the jurisdiction of the SC request compensation before civil courts in Kosovo, they may face a number of both legal and practical difficulties.³⁵ It is also asserted that the experts in the *Mustafa* case emphasised that Law No. 04/L-015 on Witness Protection is confined to criminal cases and does not apply to civil cases and as such, anonymity procedures have not been applied to civil cases,³⁶ nor is there any technical equipment available which is required for the implementation of such measures.³⁷ Similarly, Law No. 05/L-036 on Crime Victim Compensation does not apply to victims of crimes under the jurisdiction of the SC and no victims have ever benefited from compensation from the fund established under this law.³⁸

20. Given these considerations and accounting for the context of witness intimidation in which these proceedings have taken place, the Panel does not consider that civil courts in Kosovo provide an effective and realistic avenue for victims in the present case to seek remedy for the crimes for which the Accused were adjudged guilty. Importantly, the Panel notes that the VPPs in this case were granted the protective measure of anonymity *vis-à-vis* the public and, pursuant to Rule 81(1), these measures shall also continue to apply in proceedings before another jurisdiction.

21. In light of the information provided by Victims' Counsel and absent any information to the contrary suggesting that circumstances have materially

³⁴ See above para. 6.

³⁵ KSC-BC-2020-05, F00310, para. 20.

³⁶ KSC-BC-2020-05, F00310, paras 20-22.

³⁷ KSC-BC-2020-05, F00310, para. 21.

³⁸ KSC-BC-2020-05, F00310, paras 20, 22.

changed, the Panel is convinced that referring victims to Kosovo courts would bear the risk of infringing upon the measures taken by the SC to protect the VPPs in the present proceedings and negatively affect their right to reparation. By doing so, the Panel would be acting in contradiction to the provisions of the SC which expressly provide for the protection of victims and witnesses including their safety, physical and psychological well-being, dignity and privacy.³⁹ Moreover, pursuing civil claims for war crimes may be barred by statutes of limitations and the relevant Kosovo laws might not in fact apply to victims of crimes under the SC's jurisdiction.⁴⁰ In light of the Accused's convictions for numerous counts of war crimes⁴¹ and the express provision in the SC's legal framework for reparation in respect of harm resulting from crimes within its jurisdiction, the SC constitutes, in the Panel's view, the most appropriate forum for the determination of reparation arising from those crimes.

22. The Panel further notes Victims' Counsel's submission that numerous VPPs in the present case are Serbs, live outside Kosovo, or have protected status in third countries. The Panel also recalls that it has found there continues to be a pervasive climate of fear and intimidation in Kosovo against witnesses or potential witnesses of the SC, their families and, more broadly against those who provide information in investigations or prosecutions of crimes allegedly committed by former KLA members.⁴² The Panel's considerations apply to VPPs as well. Therefore, seeking reparation through civil proceedings in Kosovo would not only cause additional hurdles to VPPs, but for many, doing so may also expose them to security risks.

23. Finally, the Panel notes the Veseli Defence's submission that it may need expert evidence to answer whether the Panel should refer the victims to civil

³⁹ Article 23(1).

⁴⁰ KSC-BC-2020-05, F00310, paras 20-22.

⁴¹ Judgment, para. 4763.

⁴² Judgment, paras 28, 30.

litigation in Kosovo.⁴³ However, the Panel does not consider it necessary to receive any further expert reports on this matter.

24. In light of the foregoing, the Panel considers that it would not be appropriate to refer victims to civil litigation in Kosovo pursuant to Article 22(9) and Rule 167 and it will issue a reparation order pursuant to Articles 22(8) and 44(6).

25. Nonetheless, to allow the Defence an opportunity to raise any objections not yet raised and addressed, the Panel orders the Defence to submit any objections, should it wish to do so, to not refer victims to Kosovo by **Tuesday, 22 September 2026** and any responses thereto by Victims' Counsel and the SPO should be filed by **Friday, 25 September 2026**. No replies will be entertained. In the absence of such objections, the Panel will hold reparation proceedings as foreseen above.

B. SUBMISSION OF EVIDENCE PURSUANT TO RULE 168

26. Noting Victims' Counsel's submissions about his intention to submit evidence pursuant to Rule 168,⁴⁴ the Panel orders Victims' Counsel to inform the Panel and the Parties of any changes to his anticipated presentation of evidence pursuant Rule 168 by **Tuesday, 22 September 2026**. Furthermore, should Victims' Counsel still wish to submit the three reports authored by Dr Stefan Lerz, the report on the possibilities of collective reparations and evidence from victims, he should do so by **Wednesday, 7 October 2026**.

27. The Panel notes the Defence's submissions that it was not in a position to provide information as to whether it intended to present any evidence pursuant to Rule 168, but that it would require four weeks from the service of the Victims Counsel's evidence, or the Judgement, whichever is the later in time, in order to

⁴³ Transcript of Hearing, 19 November 2025, p. 28321, lines 9-13.

⁴⁴ Victims' Counsel's Submissions of 17 November 2025, paras 23-25.

do so.⁴⁵ The Panel views that the Defence has been sufficiently informed as to the nature of evidence to be presented by Victims' Counsel as to allow it to assess whether it would seek to submit further evidence or not. Therefore, the Panel orders the Defence, to inform the Panel, Victims' Counsel and the SPO whether it will present any evidence pursuant to Rule 168 by **Tuesday, 22 September 2026**.

C. REQUEST FOR REPARATIONS AND RESPONSES THERETO

28. The Panel notes that Victims' Counsel needs four weeks to file the request for reparations⁴⁶ and the Parties have each requested four weeks to respond.⁴⁷ In light of the above considerations⁴⁸ and subject to any objections to the Panel's decision not to refer victims to civil litigation in Kosovo, or other substantive objections, the Panel orders Victims' Counsel to file the request for reparations by **Wednesday, 14 October 2026** and any responses by the SPO and the Defence thereto shall be filed by **Wednesday, 4 November 2026**.

V. CLASSIFICATION

29. The Panel notes that the Order for Submissions of 6 November 2025 was filed confidentially as were Victims' Counsel's Submissions of 17 November 2025,⁴⁹ SPO's Submissions of 17 November 2025⁵⁰ and the Defence Submissions of 17 November 2025. Victims' Counsel and the SPO do not object to their filings being reclassified as public.⁵¹ The Panel therefore orders the Registry to reclassify

⁴⁵ Defence Submissions of 17 November 2025, para. 11.

⁴⁶ Victims' Counsel's Submissions of 17 November 2025, para. 37.

⁴⁷ Transcript of Hearing, 19 November 2025, p. 28312, lines 5-8; Defence Submissions of 17 November 2025, para. 11.

⁴⁸ See *above* paras 26-27.

⁴⁹ Victims' Counsel's Submissions of 17 November 2025, para. 3.

⁵⁰ SPO Submissions of 17 November 2025, para. 2.

⁵¹ Victims' Counsel's Submissions of 17 November 2025, para. 3; SPO Submissions of 17 November 2025, para. 2.

the Order for Submissions of 6 November 2025, Victims' Counsel's Submissions of 17 November 2025 and the SPO's Submissions of 17 November 2025 as public by no later than **Tuesday, 22 September 2026**. The Panel further orders the Defence to file a public redacted version of the Defence Submissions of 17 November 2025, or request reclassification as public of the same by **Tuesday, 22 September 2026**.

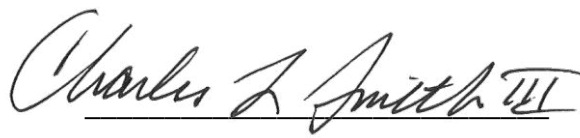
VI. DISPOSITION

30. In light of the foregoing, the Panel hereby:

- a) **DECIDES** to hold reparation proceedings and issue a reparation order pursuant to Article 22(8) and Rule 168, provided that no objections are raised by the Defence;
- b) **ORDERS** the Defence to submit any objections on this matter by **Tuesday, 22 September 2026**;
- c) **ORDERS** Victims' Counsel and the SPO to file any responses by **Friday, 25 September 2026**;
- d) **ORDERS** Victims' Counsel to inform the Panel and the Parties of any changes to his presentation of evidence pursuant Rule 168 by **Tuesday, 22 September 2026**;
- e) **ORDERS** that, should Victims' Counsel still wish to submit evidence pursuant to Rule 168, he should do so by **Wednesday, 7 October 2026**;
- f) **ORDERS** the Defence to inform the Panel, Victims' Counsel and the SPO whether it intends to submit any evidence pursuant to Rule 168 by **Tuesday, 22 September 2026**;
- g) **ORDERS** Victims' Counsel to submit request for reparations by

Wednesday, 14 October 2026;

- h) **ORDERS** the SPO and the Defence to respond to request for reparations by **Wednesday, 4 November 2026;**
- i) **ORDERS** the Registry to reclassify the Order of 6 November 2025, Victims' Counsel's Submissions of 17 November 2025, and the SPO's Submissions of 17 November 2025 as public by no later than **Tuesday, 22 September 2026;** and
- j) **ORDERS** the Defence to file a public redacted versions of the Defence Submissions of 17 November 2025 or request its reclassification by **Tuesday, 22 September 2026.**



Judge Charles L. Smith, III

Presiding Judge

Dated this Wednesday, 16 September 2026

At The Hague, the Netherlands.