



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-CA-2026-04

Before: A Panel of the Court of Appeals Chamber
Judge Michèle Picard
Judge Kai Ambos
Judge Nina Jørgensen

Registrar: Fidelma Donlon

Date: 29 September 2026

Original language: English

Classification: Public

Decision on Modalities of Victims' Participation in Appellate Proceedings

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THE PANEL OF THE COURT OF APPEALS CHAMBER of the Kosovo Specialist Chambers (“Court of Appeals Panel”, “Appeals Panel” or “Panel”, respectively),¹ acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 172 of the Rules of Procedure and Evidence (“Rules”), hereby issues this Decision.

I. BACKGROUND

1. On 4 January 2021 and 6 July 2021, the Pre-Trial Judge set out the principles governing the admission of victims to participate in the proceedings.²

2. On 21 April 2021, the Pre-Trial Judge admitted nine victims to the proceedings in case KSC-BC-2020-06 and set out the provisions applicable to the victims’ participation in pre-trial proceedings.³ On 10 December 2021, the Pre-Trial Judge admitted 11 further victims to the proceedings.⁴ On 25 May 2022, the Pre-Trial Judge admitted another 12 victims to the proceedings.⁵ On 12 December 2022, the Pre-Trial Judge further admitted 21 victims to the proceedings.⁶

¹ F00002, Decision Assigning a Court of Appeals Panel, 22 September 2026 (confidential, reclassified as public on 29 September 2026).

² KSC-BC-2020-06, F00159, Framework Decision on Victims’ Applications, 4 January 2021; KSC-BC-2020-06, F00382, Second Framework Decision on Victims’ Applications, 6 July 2021.

³ KSC-BC-2020-06, F00257/RED, Public Redacted Version of the First Decision on Victims’ Participation, 21 April 2021 (confidential version filed on 21 April 2021) (“First Decision on Victims’ Participation”), paras 22-28, 80-84, 85(a), (d).

⁴ KSC-BC-2020-06, F00611/RED, Public Redacted Version of Second Decision on Victims’ Participation, 10 December 2021 (confidential redacted version filed on 10 December 2021, strictly confidential and *ex parte* version filed on 10 December 2021), para. 70(b), (e).

⁵ KSC-BC-2020-06, F00817/RED, Public Redacted Version of Third Decision on Victims’ Participation, 25 May 2022 (strictly confidential and *ex parte* version filed on 25 May 2022), para. 50(a).

⁶ KSC-BC-2020-06, F01152/RED, Public Redacted Version of Fourth Decision on Victims’ Participation, 14 December 2022 (strictly confidential and *ex parte* version filed on 12 December 2022) (“Fourth Decision on Victims’ Participation”), para. 73(a).

3. On 15 December 2022, the Pre-Trial Judge transmitted the case file to the Trial Panel pursuant to Rule 98(1) of the Rules.⁷ The Trial Panel adopted the provisions applicable to the victims' participation in proceedings set out by the Pre-Trial Judge.⁸

4. On 15 February 2023, the Trial Panel admitted 84 victims to participate in the proceedings.⁹ On 8 March 2023, the Trial Panel further admitted three victims to the proceedings.¹⁰ On 7 September 2023, the Trial Panel admitted one further victim to the proceedings.¹¹ In decisions of 22 January 2024, 10 July 2024, 16 December 2024 and 15 May 2024, a total of 16 additional victims were also admitted to the proceedings by the Trial Panel.¹²

5. In addition, during the course of the proceedings in case KSC-BC-2020-06, two victims passed away without a successor to date;¹³ five other victims passed away

⁷ KSC-BC-2020-06, F01166, Decision Transmitting the Case File to Trial Panel II, 15 December 2022.

⁸ See KSC-BC-2020-06, F01293/RED, Public Redacted Version of Fifth Decision on Victims' Participation, 20 February 2023 (strictly confidential and *ex parte* version filed on 15 February 2023) ("Fifth Decision on Victims' Participation"), para. 47(d), referring to Fourth Decision on Victims' Participation, para. 73(d).

⁹ Fifth Decision on Victims' Participation, paras 5, 47(a).

¹⁰ KSC-BC-2020-06, F01355/RED, Public Redacted Version of Sixth Decision on Victims' Participation, 10 March 2023 (strictly confidential and *ex parte* version filed on 8 March 2023), paras 5, 17, 38(a).

¹¹ KSC-BC-2020-06, F01774/RED, Public Redacted Version of Seventh Decision on Victims' Participation, 11 September 2023 (strictly confidential and *ex parte* version filed on 7 September 2023), para. 41(a).

¹² KSC-BC-2020-06, F02071/RED, Public Redacted Version of Decision on Resubmission of the Fourteenth Registry Report on Victims' Applications for Participation in the Proceedings, 29 April 2024 (confidential redacted version filed on 22 January 2024, strictly confidential and *ex parte* version filed on 22 January 2024), para. 43(a) (nine victims); KSC-BC-2020-06, F02439/RED, Public Redacted Version of Decision on the Sixteenth Registry Report on Victims' Applications for Participation in the Proceedings, 10 July 2024 (confidential version filed on 10 July 2024), para. 37(b) (two victims); KSC-BC-2020-06, F02786/RED, Public Redacted Version of Decision on Seventeenth Registry Report on Victims' Applications for Participation in the Proceedings, 16 December 2024 (confidential version filed on 16 December 2024), para. 34(b) (one victim); KSC-BC-2020-06, F03179/RED, Public Redacted Version of Consolidated Decision on the Eighteenth and Nineteenth Registry Report on Victims' Applications for Participation in the Proceedings, 15 May 2025 (confidential version filed on 15 May 2025), para. 63(c) (four victims).

¹³ See KSC-BC-2020-06, F03113, Victims' Counsel's Notification of death of Victim 217/06 with confidential Annex 1, 14 April 2025; KSC-BC-2020-06, F03231, Victims' Counsel's Notification of death of Victim 296-06 with confidential Annex 1, 5 June 2025.

since their admission and their claims have been continued by a successor or successors;¹⁴ and one victim withdrew from the proceedings.¹⁵

6. On 25 January 2023, in its Order on the Conduct of Proceedings, the Trial Panel *inter alia* set out rules governing evidence called by Victims' Counsel and questioning of witnesses by Victims' Counsel.¹⁶

7. On 16 September 2026, the Trial Panel issued its judgment in the case, noting *inter alia* that 156 victims had participated in the proceedings.¹⁷

8. On 22 September 2026, Mr Hashim Thaçi, Mr Kadri Veseli, Mr Rexhep Selimi and Mr Jakup Krasniqi jointly requested an extension of time to file a notice of appeal against the Trial Judgment.¹⁸

II. DISCUSSION

9. The Panel recalls that, regardless of whether Victims' Counsel files an appeal under Article 46(9) of the Law, victim participation in appellate proceedings before

¹⁴ See KSC-BC-2020-06, F01692/RED, Public Redacted Version of Decision on Victims' Counsel's Request for Resumption of Action on Behalf of V131/06 by an Immediate Family Member, 21 July 2023 (strictly confidential and *ex parte* version filed on 21 July 2023), para. 10(a); KSC-BC-2020-06, F01834/RED, Public Redacted Version of Decision on Victims' Counsel's Request for Resumption of Action on Behalf of V252/06 by Relatives, 4 October 2023 (strictly confidential and *ex parte* version filed on 4 October 2023), para. 10(a); KSC-BC-2020-06, F02798/RED, Public Redacted Version of Decision on Victims' Counsel's Request for Resumption of Action Initiated by V254/06, 18 December 2024 (strictly confidential and *ex parte* version filed on 18 December 2024), para. 10; KSC-BC-2020-06, F03722/RED, Public Redacted Version of Decision on Victims' Counsel's Request for Resumption of Action of V072/06, 17 April 2026 (strictly confidential and *ex parte* version filed on 17 April 2026), para. 14(a); KSC-BC-2020-06, F03770/RED, Public Redacted Version of Decision on Victims' Counsel's Request for Resumption of Action of V02/06, 29 July 2026 (strictly confidential and *ex parte* version filed on 29 July 2026), para. 14(a).

¹⁵ See KSC-BC-2020-06, F03142/RED, Public Redacted Version of Decision Approving Withdrawal of [REDACTED] from Participation as a Victim in the Proceedings, 23 April 2025 (strictly confidential and *ex parte* version filed on 23 April 2025).

¹⁶ KSC-BC-2020-06, F01226/A01, Annex 1 to Order on the Conduct of Proceedings, 25 January 2023 ("Order on the Conduct of Proceedings"), paras 32-36.

¹⁷ KSC-BC-2020-06, F03782, Trial Judgment, 16 September 2026 (confidential) ("Trial Judgment"); KSC-BC-2020-06, F03782/A01, Annex 1 to Trial Judgment, 16 September 2026 (confidential), para. 22.

¹⁸ F00001, Joint Defence Request for Extension of Time to File a Notice of Appeal against the Trial Judgment, 22 September 2026 (confidential).

the Specialist Chambers is permissible as long as it (i) complies with the Law and the Rules, (ii) is limited to issues impacting their personal interests, and (iii) is not prejudicial to or inconsistent with the rights of the Accused.¹⁹ Consistent with previous case law,²⁰ the Appeals Panel will clarify below how the Specialist Chamber's legal provisions regarding victim participation apply in these appellate proceedings.

10. In this regard, the Appeals Panel notes the Pre-Trial Judge's analysis of the participating victims' personal interests, rights and modalities of participation at trial, endorsed by the Trial Panel, based on the Specialist Chambers' legal framework – namely Articles 22(3), (5)-(6) of the Law and Rule 114 of the Rules, and notes in particular that they were permitted to attend all non-*ex parte* trial hearings, including the trial preparation conference and SPO and Defence preparation conferences.²¹ Consequently, keeping in mind the fact that the rules governing trial proceedings shall apply *mutatis mutandis* to proceedings before the Appeals Panel,²² as well as the need for procedural coherence in this case, the Panel considers that it is in the interests of justice that a similar regime of victim participation be applied during these appellate proceedings, with the necessary adjustments.²³

11. The Appeals Panel first considers that participating victims' rights during appellate proceedings are necessarily confined to the issues the Appeals Panel will be

¹⁹ See Article 22(6) of the Law. See also KSC-CA-2024-03, F00005, Decision on Modalities of Victims' Participation in Appellate Proceedings, 24 July 2024 ("*Shala* Decision on Victim Participation in Appellate Proceedings"), para. 3; KSC-CA-2023-02, F00011, Decision on Modalities of Victim Participation in Appellate Proceedings, 15 February 2023 ("*Mustafa* Decision on Victim Participation in Appellate Proceedings"), paras 5-6.

²⁰ See *Shala* Decision on Victim Participation in Appellate Proceedings; *Mustafa* Decision on Victim Participation in Appellate Proceedings.

²¹ See First Decision on Victims' Participation, paras 22-28, 80-84. See also KSC-BC-2020-06, Transcript, 18 January 2023, pp. 1780-1781; KSC-BC-2020-06, Transcript, 15 February 2023, p. 1911; KSC-BC-2020-06, Transcript, 19 August 2025, p. 26442.

²² See Rule 173(3) of the Rules.

²³ See Rule 114(4) of the Rules. See also *Shala* Decision on Victim Participation in Appellate Proceedings, para. 4; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 7.

seised of, and therefore must be exercised within the limits of the issues arising from the grounds of appeal.²⁴

12. The Appeals Panel recalls that, according to Article 22(3) of the Law, the participating victims' personal interests and rights in the proceedings are notification, acknowledgement and reparation, and recalls that, in light of Article 23 of the Law, the protection of victims' safety, physical and psychological well-being, dignity and privacy is a fourth personal interest and right that participating victims have in the proceedings.²⁵

13. Turning to the modalities of victims' participation in these appellate proceedings, the Panel recalls at the outset that they can only participate through Victims' Counsel and can therefore not represent themselves.²⁶ In addition, the Panel considers that it shall retain control of the modalities of victims' participation, at all times, and that they may be amended and/or supplemented in certain instances, so long as the victims' personal interests are not adversely affected by such amendments or supplementations.²⁷ The Panel shall also ensure that the victims' participation in the appellate proceedings is neither prejudicial to nor inconsistent with the Accused's rights.²⁸

²⁴ See Article 46(1) of the Law; Rules 113(1)-(4), 175, 176(2), 182(2)-(3) of the Rules. See also *Shala* Decision on Victim Participation in Appellate Proceedings, para. 5; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 8.

²⁵ See *Shala* Decision on Victim Participation in Appellate Proceedings, para. 6; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 9. See also First Decision on Victims' Participation, para. 22.

²⁶ Articles 22(5)-(6), 46(9) of the Law; Rule 114(1) of the Rules. See *Shala* Decision on Victim Participation in Appellate Proceedings, para. 7; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 10. See also First Decision on Victims' Participation, paras 24, 81.

²⁷ See *Shala* Decision on Victim Participation in Appellate Proceedings, para. 7; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 10. See also First Decision on Victims' Participation, para. 81.

²⁸ Article 22(6) of the Law. See *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 10, fn. 24 and references cited therein; *Shala* Decision on Victim Participation in Appellate Proceedings, para. 7. See also First Decision on Victims' Participation, para. 24.

14. Specifically, Victims' Counsel shall continue to have access to the entire case file, including all public, confidential and strictly confidential filings, transcripts and evidentiary material, but excluding any items which are *ex parte* Victims' Counsel.²⁹ It follows that Victims' Counsel shall also continue to be notified of all disclosed and/or distributed items in the case file, including all public, confidential and strictly confidential filings, transcripts and evidentiary material, but excluding any items which are *ex parte* Victims' Counsel.³⁰ Victims' Counsel shall continue to keep the participating victims informed of relevant developments in the case in a manner which does not reveal any non-public information.³¹

15. In addition, in order to ensure that the participating victims' personal interests are appropriately represented at all times, Victims' Counsel shall continue to be notified of and be present at all appellate hearings, whether held in public, private or closed session, but excluding any hearings which are *ex parte* Victims' Counsel.³² Victims' Counsel may also request an *ex parte* hearing to address the Panel.³³

16. Moreover, Victims' Counsel may continue, within the limits set forth in Article 22(6) of the Law and Rule 114(4) of the Rules, without seeking prior leave from the Panel, to make oral and written submissions on any point of law or fact, and to file responses and replies, as the case may be, to any submissions made before the Panel,

²⁹ Rule 114(3) of the Rules; First Decision on Victims' Participation, paras 27, 82, 85(d)(i), (d) (iii). See also *Shala* Decision on Victim Participation in Appellate Proceedings, para. 8; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 11.

³⁰ First Decision on Victims' Participation, paras 82, 85(d)(ii). See also *Shala* Decision on Victim Participation in Appellate Proceedings, para. 8; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 11.

³¹ Rule 114(3) of the Rules; First Decision on Victims' Participation, paras 27, 82, 85(d)(iv). See also *Shala* Decision on Victim Participation in Appellate Proceedings, para. 8; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 11.

³² Article 22(6) of the Law; Rule 114(2) of the Rules; *Shala* Decision on Victim Participation in Appellate Proceedings, para. 9; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 12. See also First Decision on Victims' Participation, paras 26, 83, 85(d)(v).

³³ See *Shala* Decision on Victim Participation in Appellate Proceedings, para. 9; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 12.

including appellate briefs.³⁴ However, the Panel stresses that Victims' Counsel must explicitly set out how the submissions are related to the participating victims' personal interests.³⁵ Failure to satisfy the Panel of this relationship may therefore lead to the summary dismissal of the submissions.³⁶ In addition, when filing written submissions, Victims' Counsel shall respect the applicable time and word limits, as well as other formal requirements set out in the Rules and the Practice Direction on Files and Filings.³⁷

17. Finally, the Appeals Panel notes that the present Decision does not set out modalities of victims' participation for the entire ambit of situations which may occur in these appellate proceedings. Should the need arise to further specify the modalities of victim participation in these proceedings, the Appeals Panel will give further direction, either at the request of the Parties or participants in the proceedings, or on its own motion.³⁸

³⁴ Article 22(6) of the Law; Rule 114(4) of the Rules; *Shala* Decision on Victim Participation in Appellate Proceedings, para. 10; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 13. See also First Decision on Victims' Participation, paras 84, 85(d)(vi).

³⁵ Article 22(3), (6) of the Law. See also First Decision on Victims' Participation, paras 84, 85(d)(vi); *Shala* Decision on Victim Participation in Appellate Proceedings, para. 10; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 13.

³⁶ *Shala* Decision on Victim Participation in Appellate Proceedings, para. 10; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 13.

³⁷ KSC-BD-15, Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, 17 May 2019. See also *Shala* Decision on Victim Participation in Appellate Proceedings, para. 10; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 13.

³⁸ See *Shala* Decision on Victim Participation in Appellate Proceedings, para. 11; *Mustafa* Decision on Victim Participation in Appellate Proceedings, para. 14.

III. DISPOSITION

18. For these reasons, the Court of Appeals Panel:

ADOPTS the modalities for victim participation in appellate proceedings set out in this Decision.



**Judge Michèle Picard,
Presiding Judge**

Dated this Tuesday, 29 September 2026

At The Hague, the Netherlands