



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: 2 October 2026

Language: English

Classification: Public

Second Order in Relation to Reparation Proceedings

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TRIAL PANEL II ("Panel"), pursuant to Articles 21, 22(3) and (8), 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) and 168 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 16 September 2026, the Panel delivered the Trial Judgment ("Judgment"), finding Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi ("Convicted Persons") guilty under Counts 3, 5, 7 and 9 of the Indictment.¹

2. On the same day, having also considered the submissions presented by Victims' Counsel and the Parties in November 2025,² the Panel issued an order wherein it decided to hold reparation proceedings before the Specialist Chambers ("SC") and issue a reparation order pursuant to Article 22(8) and Rule 168 ("Order of 16 September 2026").³ Nevertheless, in light of the Defence's position in November 2025 that no submissions on reparation proceedings could be made in advance of the Judgment,⁴ the Panel ordered the Defence to submit any objections not yet raised or addressed in relation to not referring victims to Kosovo by Tuesday, 22 September 2026 and Victims Counsel and the SPO to respond by Friday, 25 September 2026.⁵ At the same time, the Panel ordered Victims' Counsel to inform the Panel of any changes to his intended presentation of evidence⁶ and

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

² F03784, Panel, *Order in Relation to Reparation Proceedings*, 16 September 2026, confidential, paras 6-8, 10-11 (the filing was reclassified as confidential pursuant to the Panel's instructions on 23 September 2026 and a public redacted version was issued on 28 September 2026, F03784/RED).

³ Order of 16 September 2026, paras 24, 30(a).

⁴ Order of 16 September 2026, para. 11.

⁵ Order of 16 September 2026, paras 25, 30(b)-(c).

⁶ Order of 16 September 2026, paras 26, 30(d).

the Defence to inform the Panel whether it would present any evidence for the purpose of reparation proceedings by Tuesday, 22 September 2026.⁷

3. On 22 September 2026, the Defence filed joint submissions regarding, *inter alia*, the application of Article 22(9) and its intention to present evidence pursuant to Rule 168 (“Defence Submissions”).⁸

4. On the same day, Victims’ Counsel provided information regarding his intended presentation of evidence pursuant to Rule 168 (“Victims’ Counsel Submissions”).⁹

5. On 25 September 2026, the Specialist Prosecutor’s Office (“SPO”)¹⁰ and Victims’ Counsel¹¹ responded to the Defence Submissions (“SPO Response” and “Victims’ Counsel Response” respectively).

II. SUBMISSIONS

6. The Panel is cognisant of the submissions previously presented by Victims’ Counsel¹² and the Parties¹³ in relation to referring victims to civil litigation in Kosovo pursuant to Article 22(9) and will not repeat those in the present order.

⁷ Order of 16 September 2026, paras 27, 30(f).

⁸ F03786, Specialist Counsel, *Joint Defence Submissions Regarding the ‘Order in Relation to Reparation Proceedings’*, 22 September 2026, confidential.

⁹ F03788, Victims’ Counsel, *Victims’ Counsel’s Submission Concerning Presentation of Evidence Pursuant to the Order of 16 September 2026*, 22 September 2026, confidential.

¹⁰ F03789, Specialist Prosecutor, *Prosecution Response to Joint Defence Submissions Regarding Reparation Proceedings*, 25 September 2026, confidential.

¹¹ F03790, Victims’ Counsel, *Victims’ Counsel’s Response to Joint Defence Submissions Regarding the ‘Order in Relation to Reparation Proceedings’*, 25 September 2026, confidential.

¹² F03583, Victims’ Counsel, *Victims’ Counsel’s Submissions in Response to the Order for Submissions on Reparation Proceedings (F03565)*, 17 November 2025, confidential. See also Transcript of Hearing, 19 November 2025, p. 28311, line 21 to p. 28322, line 25.

¹³ F03582, Specialist Prosecutor, *Prosecution Submissions on Reparation Proceedings*, 17 November 2025, confidential; F03584, Specialist Counsel, *Joint Defence Response to Order for Submissions on Reparation Proceedings*, 17 November 2025, confidential. See also Transcript of Hearing, 19 November 2025, p. 28311, line 21 to p. 28322, line 25.

7. Concerning the submissions made pursuant to the Order of 16 September 2026, the Defence first argues that it was not afforded sufficient and adequate opportunity to address the relevance, scope or continued validity of the expert submissions¹⁴ and it is now being required to do so under a compressed timeframe.¹⁵ The Defence then argues that there is no proper basis, on the present evidentiary record, to decide that victims should not be referred for civil litigation to Kosovo.¹⁶ In particular, the Defence posits that the expert submissions made in KSC-BC-2020-05 ("*Mustafa* case"), as referred to by the Panel, were written five years ago, before a different trial panel, in different factual and procedural circumstances and as such, cannot be viewed as constituting submissions made before this Panel or treated as reflecting the experts' current views in relation to legal or factual circumstances of this case.¹⁷ Similarly, the Defence contends that, without further inquiry into the relevance and continued validity of the expert submissions, can they constitute sufficient evidentiary basis for the determination made in the present case.¹⁸

8. The Defence also submits that the Panel's observation that claims may be time-barred is speculative and further warrants obtaining updated information relevant to civil litigation in Kosovo.¹⁹ In the view of the Defence, the blanket approach whereby reparation proceedings are retained by the SC is premature and fails to account for the fact that the appropriateness of domestic proceedings may differ depending on the circumstances of each case.²⁰ The Defence contends that such approach is prejudicial to the national courts of Kosovo.²¹

¹⁴ Defence Submissions, paras 8-9.

¹⁵ Defence Submissions, para. 9.

¹⁶ Defence Submissions, para. 7.

¹⁷ Defence Submissions, para. 7.

¹⁸ Defence Submissions, paras 7, 10.

¹⁹ Defence Submissions, para. 10.

²⁰ Defence Submissions, para. 11.

²¹ Defence Submissions, para. 11.

9. Accordingly, the Defence requests that: (i) the Panel instruct relevant experts upon whose evidence they seek to rely, to update and where necessary clarify their existing reports, taking into account the various circumstances of victims in this case;²² and (ii) the remaining briefing schedule in the Order of 16 September 2026 be vacated.²³

10. Concerning the question of the presentation of evidence, the Defence has given notice that it intends to submit evidence pursuant to Rule 168.²⁴

11. Victims' Counsel responds that, to ensure the expeditious and "victims-centred" conduct of the reparation proceedings, the proceedings should remain within the jurisdiction of the SC and victims participating in the proceedings ("VPPs") should not be referred to civil litigation in Kosovo.²⁵ Victims' Counsel submits that such referral would cause "very substantial" delays and would expose VPPs to unnecessary, protracted, uncertain, complex and expensive litigation.²⁶ Moreover, Victims' Counsel submits that the Defence failed to identify a single reason for, or advantage of, the Panel referring VPPs to civil proceedings in Kosovo, nor has it identified any basis for concluding that such a referral would be appropriate, as envisioned by Article 22(9).²⁷

12. Furthermore, Victims' Counsel argues that the Defence focuses on the purported inadequacy of the expert evidence submitted in the *Mustafa* case in relation to the judicial system in Kosovo, without providing any basis for concluding that the findings are no longer valid.²⁸ Nevertheless, Victims' Counsel submits that the Kosovo justice system is only one aspect and adds that it is unrealistic for VPPs to embark on civil litigation in Kosovo, that victims would

²² Defence Submissions, para. 12.

²³ Defence Submissions, para. 12.

²⁴ Defence Submissions, para. 13.

²⁵ Victims' Counsel Response, paras 3-4.

²⁶ Victims' Counsel Response, para. 6.

²⁷ Victims' Counsel Response, para. 8.

²⁸ Victims' Counsel Response, para. 9.

react with dismay should they have to bring their cases against the Convicted Persons in Kosovo despite the Panel's findings in relation to the climate of intimidation there, and would pose logistical challenges to those living outside of Kosovo.²⁹ Consequently, Victims' Counsel avers that the Defence request for updated expert reports should be dismissed as unnecessary and productive only of delays.³⁰

13. Concerning the question of the presentation of evidence, Victims' Counsel has informed the Panel that, for the purpose of reparation proceedings, he will submit three reports authored by Dr Stefan Lerz³¹ and supplementary information on harm in relation to a number of VPPs.³²

14. The SPO responds that the Defence merely repeats the same arguments previously raised and addressed by the Panel.³³ The SPO further responds that the Defence has had adequate time since November 2025 to prepare submissions on the referral of victims to civil litigation in Kosovo and to consult an expert on this subject³⁴ but instead seeks updated reports on speculative and unsupported basis.³⁵ In the SPO's view, the Defence request for updated expert reports should be dismissed since the Panel has already considered multiple case-specific circumstances and developments, which all militate in favour of a reparation order by the Panel.³⁶

²⁹ Victims' Counsel Response, para. 9.

³⁰ Victims' Counsel Response, paras 10-11.

³¹ Victims' Counsel Submissions, para. 2.

³² Victims' Counsel Submissions, para. 4.

³³ SPO Response, para. 1.

³⁴ SPO Response, paras 1, 3.

³⁵ SPO Response, para. 3.

³⁶ SPO Response, paras 4-5.

III. APPLICABLE LAW

15. The Panel hereby incorporates by reference the applicable law set out in the Order of 16 September 2026.³⁷

IV. DISCUSSION

A. APPLICATION OF ARTICLE 22(9)

16. As a preliminary issue, the Panel notes the Defence's contention that it was not afforded an adequate opportunity to address the relevance, scope or continued validity of prior submissions made by the experts in the *Mustafa* case.³⁸ The Panel finds these submissions inapposite in light of the Panel's express invitation for the Defence to make such submissions in respect of the reparation proceedings on numerous occasions. Already on 6 November 2025, the Panel explicitly stated its intention to decide, in case of a conviction, on whether to refer victims to Kosovo or issue a reparation order pursuant to Rule 168,³⁹ and invited the Parties and participants to make submissions, as appropriate.⁴⁰ Further, during the status conference on 19 November 2025, the Defence had another opportunity to make submissions on the matter, including in relation Victims' Counsel's submissions, which relied on the expert evidence presented in the *Mustafa* case.⁴¹ Furthermore, during the closing statements on 9 February 2026, the Presiding Judge notified the Parties and participants that, in case of convictions, the Panel would hold

³⁷ Order of 16 September 2026, paras 13-17.

³⁸ Defence Submissions, para. 8.

³⁹ F03565, Panel, *Order for Submissions on Reparation Proceedings* ("Order of 6 November 2025"), 6 November 2025, para. 16.

⁴⁰ Order of 6 November 2025, paras 11, 13, 19(a).

⁴¹ See F03583, Victims' Counsel, *Victims' Counsel's Submissions in Response to the Order for Submissions on Reparation Proceedings* (F03565), ("Victims' Counsel Submissions of 17 November 2025"), 17 November 2025, confidential, paras 12-16, 18-20, 27 (a public redacted version was filed on 21 September 2026, F03583/RED). See also Transcript of Hearing, 19 November 2025, p. 28319, line 5 to p. 28320, line 20.

reparation proceedings after the pronouncement of the Judgment.⁴² Nonetheless, mindful of the fact that the Defence underscored that it was not in the position to provide submissions on 19 November 2025, the Panel gave the Defence another opportunity to do so in the Order of 16 September 2026.⁴³ Indeed, the Defence has raised its objections in their present submissions. The Defence therefore fails to demonstrate that it has not been afforded adequate time and opportunity to make submissions on the issue of the referral of victims to civil litigation in Kosovo, including the expert submissions in the *Mustafa* case.

17. The Panel turns to the Defence's submissions that there is no proper basis for the Panel to decide, in the present case, that victims should not be referred to civil litigation in Kosovo given that the expert submissions in the *Mustafa* case are outdated and were made in different factual and procedural circumstances.⁴⁴ The Panel notes that this consideration was not the only factor underpinning the Panel's finding. For example, the Panel also considered that: (i) the proceedings were conducted in a climate of witness intimidation;⁴⁵ (ii) VPPs in the present case were granted the protective measure of anonymity *vis-à-vis* the public⁴⁶ and; (iii) certain VPPs would face logistical difficulties or security risks if bringing civil claims in Kosovo.⁴⁷

18. Furthermore, the Defence's contention that factual and procedural circumstances of the present case differ from those in the *Mustafa* case is without merit. For example, proceedings in the *Mustafa* case as well as in KSC-BC-2020-04 ("*Shala* case") also concerned victims who were granted the protective measure of anonymity *vis-à-vis* the public. As noted, the present case concerns VPPs all of whom were granted the protective measure of anonymity *vis-à-vis* the public. For

⁴² Transcript of Hearing, 9 February 2026, p. 28359, line 23 to p. 28360, line 3.

⁴³ Order of 16 September 2026, para. 25.

⁴⁴ Defence Submissions, para. 7.

⁴⁵ Order of 16 September 2026, para. 20.

⁴⁶ Order of 16 September 2026, para. 20.

⁴⁷ Order of 16 September 2026, para. 22.

this reason, the Panel considered it especially important that it appears as if anonymity procedures have not been applied in civil cases in Kosovo,⁴⁸ and that there is no effective technical equipment available for the implementation of such measures.⁴⁹

19. Further, like Pjetër Shala⁵⁰ and Salih Mustafa⁵¹, the Convicted Persons were found guilty of numerous counts of war crimes.⁵² According to the information before the Panel, relevant laws on victims compensation do not apply to victims of crimes under the jurisdiction of the SC.⁵³ While Law No. 05/L-036 on Crime Victim Compensation referred to by Trial Panel I⁵⁴ appears to have been abolished⁵⁵ and replaced by Law No. 08/L-109 on Crime Victim Compensation,⁵⁶ substantive considerations regarding victims of crimes within the jurisdiction of SC continue to apply. Furthermore, while the findings of the experts in the *Mustafa* case were made five years ago,⁵⁷ the same findings were relied upon by Trial Panel I in the *Shala* case three years ago, without any finding suggesting that circumstances have changed.⁵⁸ Indeed, the Defence does not demonstrate that any relevant circumstances have since changed and the Panel also finds none. In light of these considerations, the Panel considers that the information before it is sufficient to make an informed decision that referring victims to civil litigation in

⁴⁸ Order of 16 September 2026, para. 19. The Panel notes that Law No. 04/L-015 has not changed since its publication in 2011. See [Law No. 04/L-15 on Witness Protection](#), 1 September 2011.

⁴⁹ Order of 16 September 2026, para. 19 referring to KSC-BC-2020-05, F00310, Trial Panel I, *Public Redacted Version of Decision on the Application of Article 22(9) of the Law, Setting Further Procedural Steps in the Case, and Requesting Information* ("KSC-BC-2020-05, F00310"), 4 February 2022, para. 21.

⁵⁰ KSC-BC-2020-04, Trial Panel I, *Public Redacted Version of Trial Judgment and Sentence*, 16 July 2024, with Annex, confidential, para. 1124.

⁵¹ KSC-BC-2020-05, Trial Panel I, *Public Redacted Version of Trial Judgment*, 16 December 2022, para. 831.

⁵² Judgment, para. 4763.

⁵³ Order of 16 September 2026, para. 19.

⁵⁴ See KSC-BC-2020-05, F00310, para. 20.

⁵⁵ See [Law No. 05/L-036 on Crime Victim Compensation](#), 30 June 2015. See also Article 42(1) of [Law No. 08/L-109 on Crime Victim Compensation](#), 2 November 2022.

⁵⁶ See Article 42(1) of [Law No. 08/L-109](#).

⁵⁷ See KSC-BC-2020-05, F00310, para. 14 and references cited therein.

⁵⁸ KSC-BC-2020-04, F00421, Trial Panel I, *Decision on Reparation Proceedings*, 9 February 2023, para. 22.

Kosovo would not be appropriate as it would deprive victims of an effective remedy and that instructing experts to update their reports is not necessary. Concerning the Defence's submission that updated reports would provide the Panel with case-specific information regarding VPPs, the Panel does not foresee how, for example, any report could provide more case-specific information on circumstances of the VPPs should they be referred to Kosovo than information provided to that extent by Victims' Counsel.⁵⁹ The Defence's request for updated expert reports is therefore dismissed.

20. The Panel acknowledges that nothing in the principles on reparations shall prejudice or be inconsistent with the right of the accused or convicted persons to fair and expeditious proceedings.⁶⁰ However, the Defence has not demonstrated any prejudice on the part of the Convicted Persons for holding reparations at the SC. Instead, the Defence posits that not holding reparation proceedings in Kosovo would be prejudicial to the *national courts of Kosovo*.⁶¹ This claim has no basis in fact, ignores that the SC is within the Kosovo justice system and is, in any case, not relevant to the evaluation that this Panel must conduct for present purposes.

21. In light of the above, the Panel affirms its decision to hold reparation proceedings and issue a reparation order pursuant to Rule 168, affirms the deadlines set forth in the Order of 16 September 2026 and dismisses the Defence request for updated expert reports.

⁵⁹ See e.g. Victims' Counsel Response, para. 9. See also Victims' Counsel Submissions of 17 November 2025, para. 20.

⁶⁰ KSC-BC-2020-04, F00866, Trial Panel I, *Public Redacted Version of Reparation Order Against Pjetër Shala*, 29 November 2024, para. 46.

⁶¹ Defence Submissions, para. 11.

B. REQUEST TO VACATE THE BRIEFING SCHEDULE SET IN THE ORDER OF
16 SEPTEMBER 2026

22. Turning to the Defence request to vacate the remaining briefing schedule set in the Order of 16 September 2026,⁶² the Panel notes that it appears that this request follows from the Defence request for updated expert reports.⁶³ The Panel has identified no other grounds that would support the Defence request on that point. In light of the Panel's decision not to instruct the relevant experts to update their reports, vacating the remaining briefing schedule is not warranted.

23. In light of the above, the Panel dismisses the Defence request to vacate the remaining briefing schedule.

C. PRESENTATION OF EVIDENCE PURSUANT TO RULE 168

24. The Panel takes note of Victims' Counsel's submissions confirming that, for the purpose of reparation proceedings, he intends to submit three reports authored by Dr Stefan Lerz ("Dr Lerz Reports") and supplementary information on harm in relation to a number of VPPs, all of which will be submitted by 7 October 2026,⁶⁴ pursuant to the Panel's instructions.⁶⁵

25. Noting that, pursuant to Rule 168, the Panel may invite Victims' Counsel and the convicted persons to make observations on expert reports, the Panel considers it appropriate to provide the Defence with the opportunity to make observations on these reports, should it wish to do so. The Panel also finds it appropriate to provide the Defence with the opportunity to make observations on the supplementary information on harm. The Panel acknowledges that the SPO is not

⁶² Defence Submissions, para. 12.

⁶³ Defence Submissions, para. 12.

⁶⁴ Victims' Counsel Submissions, paras 2, 4.

⁶⁵ Order of 16 September 2026, paras 26, 30(e).

a party to the reparation proceedings. The SPO may make submissions on Victims' Counsel's evidence, if it so wishes.

26. Accordingly, pursuant to Rules 116(1) and 168, and in light of the fact that the Defence already had an opportunity to review the substance of two of the three reports when submitted pursuant to Rule 149,⁶⁶ the Panel invites the Defence and the SPO, if it so wishes, to make observations on the Dr Lerz Reports as well as the supplementary information on harm by **Wednesday, 21 October 2026**. No replies will be entertained.

27. Separately, the Panel observes that the Defence submits that it intends to present evidence pursuant to Rule 168⁶⁷ but provides no further details as to: (i) the nature of such evidence, be it expert or non-expert evidence, and, in the case of expert evidence, details of any such expert(s); (ii) issues to which the evidence pertains; (iii) the estimated time needed for its presentation; (iv) the form in which the evidence will be presented, in particular, whether the proposed evidence will be presented in writing or in court; (v) whether such evidence will be presented jointly or individually by each Defence team; and (vi) any other relevant information. Pursuant to Rule 116(1), the Panel therefore orders the Defence to inform the Panel and Victims' Counsel of these details by **Friday, 9 October 2026** and to submit the proposed evidence by **Wednesday, 21 October 2026**. The Panel also invites Victims' Counsel and the SPO, if it so wishes, to make observations on the evidence presented by the Defence by **Friday, 30 October 2026**. No replies will be entertained.

⁶⁶ F03251, Specialist Counsel, *Joint Defence Response to 'Victims' Counsel's Submission of Expert Reports (F03160)' and Rule 149(2) Notice*, 10 June 2025, confidential, paras 55-62 (a public redacted version was filed on 19 September 2025, F03251/RED).

⁶⁷ Defence Submissions, para. 13.

V. CLASSIFICATION

28. The Panel notes that the Defence Submissions, Victims' Counsel Submissions, Victims' Counsel Response and the SPO's Response were filed confidentially. The Panel observes that Victims' Counsel and the SPO do not object to the reclassification of their filings as public.⁶⁸ Accordingly, the Panel orders the Registry to reclassify Victims' Counsel Submissions, Victims' Counsel Response and the SPO's Response as public by **Friday, 9 October 2026**. The Panel also orders the Defence to file a public redacted version of the Defence Submissions or request reclassification thereof by **Friday, 9 October 2026**.

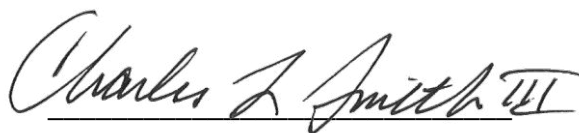
VI. DISPOSITION

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

- a) **AFFIRMS** its decision to hold reparation proceedings and issue a reparation order pursuant to Rule 168;
- b) **AFFIRMS** the deadlines set forth in the Order of 16 September 2026;
- c) **DISMISSES** the Defence request for updated expert reports and to vacate the remaining briefing schedule set forth in the Order of 16 September 2026;
- d) **INVITES** the Defence and the SPO, if it so wishes, to make observations, if any, on the Dr Lerz Reports as well as the supplementary information on harm by **Wednesday, 21 October 2026**;
- e) **ORDERS** the Defence to inform the Panel and Victims' Counsel of: (i) the nature of the evidence it intends to present pursuant to Rule 168, be it expert or non-expert evidence, and, in the case of expert evidence, details of any such expert(s); (ii) issues to which the evidence pertains; (iii) the

⁶⁸ Victims' Counsel Submissions, para. 5; Victims' Counsel Response, para. 2; SPO Response, para. 6.

- estimated time needed for its presentation; (iv) the form in which the evidence will be presented, in particular, whether the proposed evidence will be presented in writing or in court; (v) whether such evidence will be presented jointly or individually by each Defence team; and (vi) any other relevant information, by no later than **Friday, 9 October 2026**;
- f) **ORDERS** the Defence to submit evidence pursuant to Rule 168 by **Wednesday, 21 October 2026**;
- g) **INVITES** Victims' Counsel and the SPO, if it so wishes, to make observations on such evidence by **Friday, 30 October 2026**;
- h) **ORDERS** the Registry to reclassify the: (i) Victims' Counsel Submissions; (ii) Victims' Counsel Response; and (iii) SPO Response as public by **Friday, 9 October 2026**; and
- i) **ORDERS** the Defence to file a public redacted version of the Defence Submissions or request reclassification thereof by **Friday, 9 October 2026**.



Judge Charles L. Smith, III

Presiding Judge

Dated this Friday, 2 October 2026

At The Hague, the Netherlands.