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KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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| **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 Guénaël Mettraux |
| | Judge Fergal Gaynor, Reserve Judge |
| **Registrar:** | Fidelma Donlon |
| **Date:** | 6 November 2026 |
| **Language:** | English |
| **Classification:** | **Public** |

# Public Redacted Version of
# Decision on Victims' Counsel's Request for Resumption of Action of V260/06

**Specialist Prosecutor**
Kimberly P. West

**Counsel for Victims**
Simon Laws

**Registry**
Head of Victims' Participation Office

**Counsel for Hashim Thaçi**
Luka Mišetić

**Counsel for Kadri Veseli**
Rodney Dixon

**Counsel for Rexhep Selimi**
Geoffrey Roberts

**Counsel for Jakup Krasniqi**
Venkateswari Alagendra

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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 15 February 2023, the Pre-Trial Judge granted V260/06's application to participate as a victim in these proceedings.[1]

2. On 2 October 2026, Victims' Counsel notified the Panel of the death of V260/06 and requested the Panel to permit V260/06's [REDACTED] ("Relative"), to resume the action initiated by V260/06 ("Request").[2]

3. No responses to the Request were filed.

## II. SUBMISSIONS

4. Victims' Counsel requests that V260/06's Relative be permitted to resume the action initiated by V260/06.[3] Victims' Counsel submits that he has standing to bring the Request as he was previously assigned to represent the interests of V260/06.[4] 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

[1] F01293, Pre-Trial Judge, *Fifth Decision on Victims' Participation* ("Fifth Decision on Victims' Participation"), 15 February 2023, strictly confidential and *ex parte*, paras 16(a), 20(a), 24, 47(a) (a public redacted version was issued on 20 February 2023, F01293/RED). *See also* F01046 Registrar, *Ninth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings* ("Ninth Registry Report"), 20 October 2022, with Annexes 1-16, strictly confidential and *ex parte*.
[2] F03793, Victims' Counsel, *Victims' Counsel's Request for Resumption of Action of V260/06*, 2 October 2026, strictly confidential and *ex parte*, paras 1, 12, with Annex 1, strictly confidential and *ex parte* (a public redacted version was filed on the same day, F03793/RED).
[3] Request, paras 1, 11-12.
[4] Request, para. 7.

of deceased victims or closely connected individuals may participate in their place.[5] In support of this request, Victims' Counsel provides evidence of V260/06's death and the Relative's relationship with V260/06.[6]

5. Victims' Counsel further submits that V260/06's identity has been disclosed to the Defence as a result of him being a dual status witness but has not been disclosed to the public.[7] The identity of the Relative has not been disclosed.[8]

## III. DISCUSSION

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 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. The right of 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 requirements are satisfied.[12] For instance, the

[5] Request, para. 8.
[6] Request, paras 9-10. *See also* Annex 1 to the Request, pp 1-9.
[7] Request, para. 3.
[8] Request, para. 3.
[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 (with further references) (a public redacted version was issued on the same day, F02798/RED).
[10] Decision of 18 December 2024, para. 6, fn. 8 (with further references).
[11] Decision of 18 December 2024, para. 6, fn. 9 (with further references). *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 day, F00611/CONF/RED and F00611/RED).
[12] Decision of 18 December 2024, para. 6, fn. 10 (with further references).

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, it must be established that:

a) the victim is deceased; and

b) the individual seeking to resume the action on behalf of the deceased victim is a relative or closely connected individual.[14]

9. The Panel observes that Victims' Counsel has submitted: (i) the death certificate of V260/06; (ii) the identification card of the Relative; and (iii) the [REDACTED] which records the Relative as his [REDACTED].[15] The Panel is, therefore, satisfied that the information before it establishes V260/06's death and that the Relative is a close relative of V260/06. Accordingly, the Panel finds that the Relative may continue the action initiated by V260/06.[16]

## IV. PROTECTIVE MEASURES

10. The Panel notes that V260/06 was granted protective measures but that V260/06's identity as a dual status witness was disclosed to the Defence.[17] Victims' Counsel does not raise any particular concerns warranting the granting of protective measures to the Relative.[18] Nonetheless, considering the underlying

[13] *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.
[14] Decision of 18 December 2024, para. 7, fn. 12 and referenced cited therein.
[15] Annex 1 to the Request, pp 1-9.
[16] This determination is without prejudice to the standing that V260/06's representatives may have to claim reparations.
[17] Fifth Decision on Victims' Participation, paras 31-38, 47(e)(ii).
[18] Request, para. 3.

reasons justifying the necessity and proportionality of V260/06's protective measures,[19] that the Parties do not object to the Request and that the Relative did not testify in these proceedings, the Panel considers it is necessary and proportionate to grant the Relative the protective measure of anonymity by using only a pseudonym 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.

## V. DISPOSITION

11. For the foregoing reasons, the Panel hereby:

a) **GRANTS** the Request, and allows the Relative to resume V260/06's action as a victim participating in the present proceedings;

b) **ORDERS** that the protective measures of anonymity be granted to the Relative for the purpose of their participation as victim in the proceedings;

c) **ORDERS** that the name and identifying information of the Relative be withheld from the Parties and the public; and

d) **ORDERS** that: the pseudonym of V260A/06 be assigned to the Relative for the purposes of these proceedings.

[19] Ninth Registry Report, para. 65; Annex 8 to the Ninth Registry Report.

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**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Friday, 6 November 2026

At The Hague, the Netherlands.