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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 Guénaël Mettraux
	Judge Fergal Gaynor, Reserve Judge
Registrar:	Fidelma Donlon
Date:	10 November 2026
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Public Redacted Version of
Decision on Victims' Counsel's Request for Resumption of Action of V294/06

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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 22 January 2024, the Pre-Trial Judge granted V294/06's application to participate as a victim in these proceedings.[1]

2. On 22 October 2026, Victims' Counsel notified the Panel of the death of V294/06 and requested the Panel to permit V294/06's [REDACTED] ("Relative") to resume the action initiated by V294/06 ("Request").[2]

3. No responses to the Request were filed.

II. SUBMISSIONS

4. Victims' Counsel requests that the Relative be permitted to resume the action initiated by V294/06.[3] Victims' Counsel submits that he has standing to bring the Request as he was previously assigned to represent the interests of V294/06.[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 of

[1] F02071, Panel, *Decision on Resubmission of the Fourteenth Registry Report on Victims' Participation in the Proceedings* ("Resubmission of the Fourteenth Registry Report"), 22 January 2024, strictly confidential and *ex parte*, para 43(a) (a confidential redacted version and a public redacted version were issued on 22 January 2024 and 29 April 2024, F0271/CONF/RED and F02071/RED, respectively).
[2] F03815, Victims' Counsel, *Victims' Counsel's Request for Resumption of Action of V294/06*, 22 October 2026, strictly confidential and *ex parte*, paras 1-2, 10-11, with Annex 1, strictly confidential and *ex parte* (a public redacted version was filed on the same day, F03815/RED).
[3] Request, paras 1, 10-11.
[4] Request, para. 6.

deceased victims or closely connected individuals may participate in their place.[5] In support of this request, Victims' Counsel provides evidence of V294/06's death and the Relative's relationship with V294/06.[6]

5. Victims' Counsel further submits that V294/06'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 so as 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. 7.
[6] Request, paras 8-9. *See also* Annex 1 to the Request, pp. 2-7.
[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 V294/06; (ii) the identification card of the Relative; and (iii) the [REDACTED], when read together with V294/06's death certificate, indicates that the Relative and V294/06 [REDACTED].[15] The Panel is, therefore, satisfied that the information before it establishes V294/06's death and that the Relative is a close relative of V294/06. Accordingly, the Panel finds that the Relative may continue the action initiated by V294/06.[16]

IV. PROTECTIVE MEASURES

10. The Panel notes that V294/06 was granted protective measures but that V294/06's identity as a dual status witness was disclosed to the Defence.[17] Victims'

[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. 1-7.
[16] This determination is without prejudice to the standing that V294/06's representatives may have to claim reparations.
[17] Resubmission of the Fourteenth Registry Report, paras 31-35, 43(d); F02078, Victims' Counsel, *Victim's Counsel's Filing in Compliance with Decision F02071*, 26 January 2024, confidential, with Annexes 1-2, confidential.

Counsel does not raise any particular concerns warranting the granting of protective measures to the Relative.[18] Nonetheless, considering the underlying reasons justifying the necessity and proportionality of V294/06'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 V294/06'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 V294A/06 be assigned to the Relative for the purposes of these proceedings.

[18] Request, para. 3.
[19] Resubmission of the Fourteenth Registry Report, paras 31-35, 43(d).



Judge Charles L. Smith, III

Presiding Judge

Dated this Tuesday, 10 November 2026

At The Hague, the Netherlands.