

In: KSC-BC-2020-06
**The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi
and Jakup Krasniqi**

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Defence Counsel for Jakup Krasniqi

Date: 1 March 2021

Language: English

Classification: Public

Krasniqi Defence Response
to the First VPO Report

Specialist Prosecutor

Jack Smith

Counsel for Hashim Thaçi

David Hooper QC

Counsel for Kadri Veseli

Ben Emmerson QC

Counsel for Rexhep Selimi

David Young

Counsels for Jakup Krasniqi

Venkateswari Alagendra, Aidan Ellis

I. INTRODUCTION

1. Pursuant to Rule 113(3) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), the Defence for Jakup Krasniqi (“Defence”) hereby respond to the Victims’ Participation Office (“VPO”) First Registry Report to the Pre-Trial Judge on Victims’ Applications for Participation in the Proceedings (“VPO Report”).¹

2. The Defence support the right of genuine victims to participate in proceedings, within the framework defined by the Rules and by the Framework Decision on Victims’ Applications,² provided that such participation is not inconsistent with the rights of the Accused.

3. The Defence submit that:-

- a. The Defence agree with the VPO Report that Victim 06/06 should not be admitted as a participating victim as their application falls outside the temporal scope of the indictment;³
- b. The VPO Report errs in interpreting “victim of a crime alleged in the indictment” in Rule 113(1) as victim of “any event that could constitute a crime alleged in the Confirmed Indictment that occurred between March 1998 and September 1999 in the territory of Kosovo and northern Albania by or with the authorization or support of KLA members”. Only victims who suffered harm as a result of crimes actually alleged in the confirmed

¹ KSC-BC-2020-06, F00203, Registrar, *First Registry Report to the Pre-Trial Judge on Victims’ Applications for Participation in the Proceedings*, 15 February 2021, public.

² KSC-BC-2020-06, F00159, Pre-Trial Judge, *Framework Decision on Victims’ Applications* (“Framework Decision”), 4 January 2021, public.

³ VPO Report, para. 39.

indictment, as identified by location and date, satisfy Rule 113(1) of the Rules. Only Victims 01/06, 02/06, 03/06, 04/06 and 05/06 claim to be the victims of crimes allegedly committed at a location identified in the confirmed indictment and therefore the other Applicants should not be admitted as participating victims or further information identifying the relevant locations and dates should be sought from the Applicants;

- c. In relation to the remaining criteria set out in the Framework Decision, the VPO Report does not provide sufficient information to enable the Defence to make informed submissions on whether the Applications meet the defined criteria. Since the Defence is unable to assist the Court by identifying inconsistencies and other deficiencies in the Applications, it is all the more important that the VPO – and ultimately the Pre-Trial Judge – carefully scrutinise whether the Applications meet all of the criteria.

II. PROCEDURAL HISTORY

4. On 26 October 2020, the Pre-Trial Judge confirmed the revised indictment,⁴ and issued an arrest warrant for Mr. Krasniqi.⁵ On 4 November 2020, Mr. Krasniqi was arrested and transferred to the KSC detention center.

5. On 4 January 2021, the Pre-Trial Judge issued the Framework Decision on Victims' Applications,⁶ providing detailed guidance on the application of the relevant

⁴ KSC-BC-2020-06, F00026/CONF/RED, Pre-Trial Judge, *Confidential Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 19 November 2020, confidential.

⁵ KSC-BC-2020-06, F00027/A07/COR/RED, Pre-Trial Judge, *Public Redacted Version of Corrected Version of Arrest Warrant for Jakup Krasniqi*, 5 November 2020, public.

⁶ Framework Decision.

provisions, ordering the VPO to file its Report by 15 February 2021,⁷ and the Parties to file submissions, if any, within 10 days of the notification of the Report.⁸

6. On 15 February 2021, the VPO filed the First Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings.⁹ On 18 February 2021, the VPO report was reclassified as public pursuant to instruction of the Pre-Trial Judge and made available to the Defence.

III. APPLICABLE LAW

7. According to Article 22(1) of Law No.5/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law"), "[a] Victim is a natural person who has personally suffered harm, including physical, mental or material harm, as a direct result of a crime within the jurisdiction of the Specialist Chambers. Participation by a Victim by the Specialist Chambers shall not be a bar to providing testimony as a witness before the Specialist Chambers".

8. Rule 113 of the Rules provides in part:

- (1) After confirmation of the indictment by the Pre-Trial Judge [...], a person claiming to be a victim of a crime alleged in the indictment may file an application for admission as a victim participating in the proceedings, specifying how he or she qualifies as a victim and providing the location and date of an alleged crime giving rise to harm. [...].
- (2) The Victims' Participation Office shall register and assess the applications and file them before the Panel together with a recommendation on admissibility and common representation, and a request for protective measures under Rule 80, as applicable. [...].
- (3) The Parties may only make submissions on legal grounds regarding admissibility and common representation.
- (4) In deciding whether a victim may participate in the proceedings, the Panel shall consider whether the applicant has provided *prima facie* evidence of the harm suffered as a direct result of a crime in the indictment.

⁷ Framework Decision, para. 56(c).

⁸ *Ibid.*, para. 56(g).

⁹ VPO Report.

9. The Pre-Trial Judge considered Rule 113(3) of the Rules in the Framework Decision and found that Parties are not precluded “from making submissions on the interpretation and application of the criteria provided” in relation to protective measures and any resulting requests under Rule 80(4)(d) or (e) of the Rules, “[b]earing in mind that the withholding of information from the Parties must be consistent with the rights of the Accused and the fairness of proceedings”.¹⁰

10. In the Framework Decision, the Pre-Trial Judge noted that “a victim applicant is admitted to participate in the proceedings if there is *prima facie* evidence that: (a) the applicant is a natural person; (b) the applicant described acts in the application that appear to constitute a crime within the scope of the Confirmed Indictment; (c) the applicant has personally suffered harm; and (d) the harm was the direct result of a crime in the Confirmed Indictment”.¹¹

11. More specifically, the Pre-Trial Judge held that in the context of subparagraph (b), “‘crime’ pertains to any of the crimes reflected in the Confirmed Indictment”, and the “Applicant must describe, as specifically as possible, the place and time of the event and, if possible, any alleged perpetrator present at the scene or involved in the event”.¹²

12. Furthermore, in relation to subparagraph (c), the Pre-Trial Judge required that Applicants must describe the physical, mental or material harm suffered and as proof of the said harm, “may submit, to the extent available” records, medical reports or other documentation attesting to the harm suffered.¹³ Specificity is required: in relation to physical harm, the “type, gravity, body region and the number of injuries”

¹⁰ Framework Decision, para. 52.

¹¹ *Ibid.*, para. 28.

¹² *Ibid.*, para. 32.

¹³ *Ibid.*, paras 35-37.

should be detailed “to the extent possible”;¹⁴ in relation to mental harm, the “nature, gravity and manifestations” of “the specific psychological suffering” should be detailed “to the extent possible”;¹⁵ and as regards material harm, “the specific property or pecuniary damage or loss” should be detailed.¹⁶

13. Lastly, when addressing subparagraph (d), the Pre-Trial Judge found:

The harm is the direct result of the crime where, in the circumstances prevailing at the relevant place and time and taking in consideration the personal situation of the victim, the acts or omissions of the perpetrator(s) would most likely bring about that harm, as viewed by an objective observer. Applicants must indicate the causal link between the harm and the crime in the Confirmed Indictment by providing a description of the events, detailing, to the extent possible, the acts or omissions that caused the harm, the place, time, unfolding and duration of the events as well as any other relevant circumstances.¹⁷

14. As to the standard of proof, the Framework Decision specifies that the Pre-Trial Judge “reviews the submitted information and supporting material on a case-by-case basis, taking into account: (i) all relevant circumstances as apparent at first sight; and (ii) the intrinsic coherence of the application”.¹⁸

15. With regard to protective measures, the Pre-Trial Judge noted that the measures relevant at this stage of the proceedings include: “the redaction of names and identifying information from the SC public records (Rule 80(4)(a)(i)); non-disclosure to the public of any records identifying the applicant (Rule 80(4)(a)(ii)); the assignment of a pseudonym (Rule 80(4)(a)(vi)); non-disclosure to the Accused by Specialist Counsel of any material or information that may lead to the disclosure of the identity of the applicant (Rule 80(4)(d)); or, in exceptional circumstances, and subject to any necessary safeguards, the non-disclosure to the Parties of any aforementioned material (Rule 80(4)(e))”.¹⁹

¹⁴ Framework Decision, para. 35.

¹⁵ *Ibid.*, para. 36.

¹⁶ *Ibid.*, para. 37.

¹⁷ *Ibid.*, para. 39.

¹⁸ *Ibid.*, para. 29.

¹⁹ *Ibid.*, para. 46.

16. Moreover, the Pre-Trial Judge recalled “the legal test for determining if certain information may be withheld from the receiving Party”, namely assessing whether: “(i) the disclosure of the information in question poses an objectively justifiable risk to the protected person or interest; (ii) the protective measure is strictly necessary. Thus, if less restrictive protective measures are both sufficient and feasible, such protective measures must be chosen; and (iii) the protective measure is proportionate in view of the prejudice caused to the Accused and a fair trial”.²⁰

IV. APPLICATIONS OUTSIDE THE CRIMES IN THE INDICTMENT

17. Only Victims 01/06, 02/06, 03/06, 04/06 and 05/06 claim to have suffered harm as a result of a specific crime alleged in the Indictment.²¹ The remaining Applicants have not established that the place and time of the events set out in their Applications correspond with a crime alleged in the confirmed indictment. Accordingly, those Applications should either be rejected or further information should be sought from the Applicants.

18. The VPO submits that it is sufficient that an Application identifies “any event that could constitute a crime alleged in the Confirmed Indictment that occurred between March 1998 and September 1999 in the territory of Kosovo and northern Albania by or with the authorization or support of KLA members”.²² The VPO confirm expressly that they have not “only consider[ed] the alleged crime sites listed in the Confirmed Indictment”,²³ apparently on the basis that “the specific crime sites in the Confirmed Indictment are *included* or *illustrative* and that the alleged crimes described

²⁰ Framework Decision, para. 47.

²¹ VPO Report, para. 38.

²² *Ibid.*, para. 30.

²³ *Ibid.*, para. 25.

in the application forms need not be limited to the specific crime sites charged in the Confirmed Indictment”.²⁴

19. The VPO’s approach, which effectively severs the link between the Applications and the specific crimes alleged in the indictment, is inconsistent with the Rules and with relevant international jurisprudence.

20. Rule 113(1) applies to “a person claiming to be a victim of a crime alleged in the indictment” and provides that the application must specify “how he or she qualifies as a victim and provid[e] the location and date of an alleged crime”. Further, the harm must result from a crime in the confirmed indictment.²⁵ Reading “a crime alleged in the indictment” together with the requirement to identify the “location and date” of the crime, makes it clear that the Rules require the Applicant to have suffered harm from a specific crime alleged in the indictment. It cannot be the case that a victim of, for instance, a crime of torture committed on a date and at a location different from those specifically identified in the Indictment would meet the statutory criteria.

21. First, an overly broad meaning of “a crime alleged in the indictment” would conflict with the rights of the accused. The indictment is a stand-alone document, which must answer the “questions of who did what, when, where and against whom”.²⁶ It must allow the accused to understand clearly and fully the case against them²⁷ so that their right to be informed “promptly, and in detail” of the charge is respected.²⁸ The corollary of this is that an accused cannot be convicted of crimes which have not been alleged in the indictment. This indictment alleges that crimes were committed on specified dates (or date ranges) in approximately 42 different

²⁴ VPO Report, para. 29.

²⁵ Framework Decision, para. 39.

²⁶ KSC-BC-2020-06, F00010, Pre-Trial Judge, *Order to the Specialist Prosecutor Pursuant to Rule 86(4) of the Rules* (“PTJ Order”), 2 July 2020, public, para. 11.

²⁷ *Ibid.*, para. 9.

²⁸ Article 21(4)(a) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office.

detention locations. Allowing the participation of victims who are not directly linked to the specific dates and locations in the indictment is inconsistent with the rights of the accused, because it inevitably expands the parameters of the case before the Trial Chamber beyond the confines of the charges notified to the accused in the indictment.

22. Second, the VPO's interpretation of the scope of the indictment is expressly premised on the use of the words "including" and "illustrative" in the indictment.²⁹ Open-ended statements of fact in an indictment are impermissible, as the Pre-Trial Judge has already found.³⁰ In due course, the Defence will file a Preliminary Motion challenging *inter alia* this defective pleading of open-ended allegations and these Applications may need to be reconsidered as a result of the outcome of those Preliminary Motions. In the interim, the Defence submit that the impermissible use of open-ended statements of fact in the indictment should not be used to expand the scope of victim participation in this case. In any event, that the indictment uses the word "illustrative" in relation to persecution³¹ is not relevant to these Applications because the summaries provided of the Applications do not relate to other allegations of persecution but to specific allegations of arbitrary detention, torture, cruel treatment, killing or enforced disappearance.³²

23. Third, the scope of "a crime alleged in the indictment" as defined by the VPO would be incredibly broad. It would cover any instance of one of the alleged 10 counts in the indictment, occurring in any part of Kosovo or Northern Albania (including areas such as Mitrovicë where the indictment has not alleged any crime), across the entire 18 month period covered by the Indictment, provided that it occurred with the authorisation or support of KLA members. That is not consistent with the approach set out in the Framework Decision which required applications to provide the location

²⁹ VPO Report, paras 26-29, citing indictment paras 57, 136, 171.

³⁰ PTJ Order, para. 18.

³¹ VPO Report, para. 26.

³² *Ibid.*, paras 38-47.

and date of an alleged crime,³³ sufficiently clearly indicate the date / period and location of the crimes³⁴ and link the harm with “the crime in the Confirmed Indictment”.³⁵ In any event, the term occurred “with the authorisation or support of KLA members”³⁶ does not appear to be drawn from the indictment, which alleges that crimes were committed by “JCE members and tools”.³⁷

24. Even if, contrary to the primary position of the Defence, the Pre-Trial Judge were to permit the participation of victims of crimes which are not alleged in the indictment but are said to be related to crimes alleged in the indictment, the VPO Report does not provide sufficient information to identify a nexus between the alleged crimes and the indictment. The Defence note that the Pre-Trial Judge had required the VPO Report to include “the alleged crimes or crime sites”.³⁸ Instead, the VPO Report only identifies the locations as “on the territory of Kosovo”³⁹ or “in Kosovo”.⁴⁰ That the VPO Report has not included the alleged crime sites prevents the Defence from discerning whether there is any genuine connection between the dates and locations of crimes alleged in the indictment and the crimes alleged in these Applications.

25. The international jurisprudence also consistently requires a link to the actual charges. In *Ntaganda*, the Single Judge required an application to participate to establish “a link between the events described by the victim applicants and the case brought by the Prosecutor against the suspect”⁴¹ such that the applicant is “a victim of

³³ Framework Decision, para. 6.

³⁴ *Ibid.*, para. 22.

³⁵ *Ibid.*, para. 39.

³⁶ VPO Report, para. 30.

³⁷ KSC-BC-2020-06, F00045/A03, Specialist Prosecutor, *Further Redacted Indictment*, 4 November 2020, public, para. 37.

³⁸ Framework Decision, para. 50(c).

³⁹ VPO Report, paras 41-47.

⁴⁰ *Ibid.*, para. 40.

⁴¹ ICC, *Prosecutor v. Bosco Ntaganda*, ICC-01/04-02/06-211, Pre-Trial Chamber II, *Decision on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings* (“Ntaganda Decision”), 15 January 2014, para. 25.

at least one crime with which Mr. Ntaganda is charged”.⁴² Those considerations led the Single Judge to take into account the geographical scope of the charges, by reference to the specific villages mentioned in the Document Containing the Charges, in order to determine “whether the events described by the victim applicants were committed in the geographical area identified by the Prosecutor”.⁴³ To the same effect, in *Muthaura et al.*, the Single Judge had to determine “whether the incident(s) described by the applicants fall(s) within the factual scope of the case to be examined by the Chamber at the confirmation of charges hearing”.⁴⁴ This persuasive jurisprudence makes it clear that it is not enough for an Application to fall within the broadly conceived temporal or geographic scope of the Indictment, it must actually relate to the factual scope of the prosecution’s case - as defined at the KSC by the crimes alleged in the indictment.

26. The Defence therefore submit that, unless further and more specific information can be provided about the date and location within Kosovo of the alleged crimes, the applications of Victims 06/06 – 14/06 and 16/06 - 19/06 should be rejected.

V. SATISFACTION OF THE OTHER CRITERIA IN RULE 113

27. Establishing that an Application relates to “a crime alleged in the indictment” is only one of the matters which must be established. As the Framework Decision explains, an Application must also demonstrate that the applicant is a natural person; the applicant has personally suffered harm; and the harm was the direct result of a crime in the Confirmed Indictment.⁴⁵ Proper scrutiny of whether the applications meet those criteria is necessary to distinguish proper and *bona fide* victims of alleged crimes

⁴² Ntaganda Decision, para. 27.

⁴³ *Ibid.*, para. 57.

⁴⁴ ICC, *Prosecutor v. Muthaura et al.*, ICC-01/09-02/11-267, Pre-Trial Chamber II, *Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings*, 26 August 2011, para. 60.

⁴⁵ Framework Decision, paras 29-39.

who should be encouraged to participate in proceedings from those who may have a political or other motivation to seek to participate. The Defence lack the information necessary to make specific submissions about whether these criteria are satisfied and hence can only make the general submission below.

28. Rule 113(1) makes it clear that at the KSC the Applications are not provided to the parties. In contrast to the situation at the ICC,⁴⁶ the only information available to the Defence is the content of the VPO Report, which provides a very limited summary of each application. For instance, in relation to Victims 12/06, 13/06 and 14/06, the parties are only told the victims' ethnicity, that they claim to have suffered mental and / or material harm as a result of the KLA killing or kidnapping a family member somewhere in Kosovo.⁴⁷ No detail is provided of the evidence establishing kinship to the direct victim.⁴⁸ The lack of information provided in the VPO Report precludes the Defence from making informed submissions about whether the Applications meet the statutory criteria. The Defence recall the detailed and sophisticated guidance laid down in the Framework Decision⁴⁹ and defer to the Pre-Trial Judge's scrutiny of whether these Applications meet the stated criteria.

29. In an attempt to assist in that endeavour, the Defence annex a table summarising the information that has been provided (Annex 1). It is apparent from the VPO Report, as summarised in Annex 1, that 13 applications were submitted with no supporting documents. Further, 17 applications allege mental harm, though only 4 provided supporting documents. The Defence do not have sufficient information to assess whether the Applicants have established that they suffered harm. The provision of

⁴⁶ ICC Rules of Procedure and Evidence, Rule 89(1).

⁴⁷ VPO Report, paras 43-45.

⁴⁸ *Ibid.*, para. 36.

⁴⁹ Framework Decision, paras 28-39.

supporting documents is not a pre-requisite.⁵⁰ Nevertheless, in assessing whether the Applicants have submitted sufficiently detailed information about the nature, gravity and manifestations of the claimed mental harm, the Defence submit that the absence of documentation is one factor that the Pre-Trial Judge should take into account.

30. None of the summaries provided to the Defence contain specific information about the description of the physical, mental or material harm sustained and the causal link between that harm and the indictment crimes. Acknowledging that the Applications may contain further information that the Defence are not privy to, the Defence must respectfully leave it to the Pre-Trial Judge to determine whether the Applications contain sufficient information to meet the criteria enunciated in the Framework Decision.

VI. PROTECTIVE MEASURES

31. The Defence are conscious that a decision on the modalities of victim participation at trial has not yet been made.⁵¹ At this early stage, the Defence submit that:-

- a. The Framework Decision provides that protective measures must be supported by an objectively justifiable risk to the protected person, strictly necessary and proportionate in view of the prejudice to the Accused;⁵²
- b. The Defence do not oppose the limited protective measures identified in paragraph 61 of the VPO Report;

⁵⁰ The Framework Decision recognised that documents should be submitted “to the extent available”, making it clear that applications could succeed if there are no documents available: *see* VPO Report, para. 20.

⁵¹ VPO Report, para. 63.

⁵² Framework Decision, para. 47.

- c. Consistent with the Defence's prior submissions on protective measures, which are hereby incorporated by reference,⁵³ the Defence do not accept that the existence of a general climate of witness interference⁵⁴ is sufficient to demonstrate an objectively justifiable risk to these specific individuals or the necessity for the extreme protective measures of total anonymity, as set out at paragraph 62 of the VPO Report. The information provided to the parties in the VPO Report is not sufficient to discern an objectively justifiable risk to these specific individuals necessitating these prejudicial measures;
- d. Further, the Defence note that there is an interrelationship between the protective measures sought and the extent of the participation of the victims in the proceedings. The Defence strongly oppose any submission that victims should be allowed to submit relevant evidence, testify or actively participate in other ways whilst remaining anonymous. That would violate the rule against anonymous accusations.⁵⁵ The Pre-Trial Judge may therefore wish to consider issues of protective measures at the same time as inviting submissions on the extent of the participatory rights at this stage in proceedings;
- e. The Defence further oppose any submission that the identity of participating victims should be disclosed to Specialist Counsel but not to

⁵³ KSC-BC-2020-06, F00128, Krasniqi Defence, *Krasniqi Defence Response to the SPO Request for Protective Measures*, 8 December 2020, confidential, paras 11-17, 25-35.

⁵⁴ VPO Report, para. 59.

⁵⁵ See ICC, *Prosecutor v. Banda*, ICC-02/05-03/09-545, Trial Chamber IV, *Decision on the Participation of Victims in the Trial Proceedings*, 20 March 2014, para. 19; *Prosecutor v. Chui*, ICC-01/04-02/12-154, Appeals Chamber, *Decision on Further Submissions Regarding the Anonymous Victims in the Appeal*, 11 November 2013, para. 8; *Prosecutor v. Bemba*, ICC-01/05-01/08-3346, Trial Chamber III, *Decision on "Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées"*, 24 March 2016, para. 39; *Prosecutor v. Ongwen*, ICC-02/04-01/15-471, Trial Chamber IX, *Decision on Disclosure of Victims' Identities*, 17 June 2016, paras 13-14.

the Accused.⁵⁶ Whilst the Defence acknowledge that the KSC Rules provide for this possibility, any such order in relation to participating victims is likely to be inconsistent with the rights of the Accused. Moreover, the national ethical rules applicable to Counsel practising in England and Wales (to which Counsel remain subject in international cases) make it clear that Counsel should not agree to receive information on this basis;⁵⁷

- f. Finally, if any victim applicant is also a Prosecution witness, the Defence submit that their applications should be disclosed to the Defence.⁵⁸ The Applications are disclosable documents, in exactly the same way as any other prior statements made by witnesses.

VII. GROUPING OF VICTIMS

32. At present, the Defence see nothing in the VPO Report suggesting a conflict of interests which would justify the division of the victim applicants into more than one group. The Defence note that the VPO will make its recommendation in this regard in a future report.⁵⁹ The Defence reserve the right to respond further at the appropriate time.

⁵⁶ VPO Report, para. 62.

⁵⁷ See, the Bar Council, Non-Disclosure to Your Own Client, reviewed September 2020, para. 5(b) available at <https://www.barcouncilethics.co.uk/wp-content/uploads/2017/10/Non-Disclosure-of-information-to-your-own-Client-3.pdf>.

⁵⁸ See ICC, *Prosecutor v. Lubanga*, ICC-01/04-01/06-1637, Trial Chamber I, *Decision on the Defence Application for Disclosure of Victims Applications*, 21 January 2009, paras 9-13, where the Prosecution was ordered to disclose to the defence the unredacted version of the victim-witness applications.

⁵⁹ VPO Report, para. 54.

VIII. CONCLUSION

33. As set out above, the Defence submit that Victims 06/06⁶⁰ – 14/06 and 16/06-19/06 do not meet the applicable criteria because their Applications do not relate to a crime alleged in the indictment. Their Applications should therefore be rejected (or further information sought in relation to Victims 07/06 – 14/06 and 16/06-19/06).

34. Further or alternatively, the Defence do not have the information necessary to make informed submissions on the satisfaction of the remainder of the criteria and respectfully invite the Pre-Trial Judge to assess whether the detailed criteria laid down in the Framework Decision have been met.

Word count: 4,228



Venkateswari Alagendra

Monday, 1 March 2021

Kuala Lumpur, Malaysia.



Aidan Ellis

Monday, 1 March 2021

London, United Kingdom.

⁶⁰ See para. 3(a) above.