

Annex to

Victims' Counsel Submission on the

Second Decision on the appointment of expert(s)

List of questions for the consideration of expert(s)

(i) Socio-legal questions:

- a. How prevalent is corruption and political interference among the legal staff of courts in Kosovo?
- b. If the expert concludes that issues such as political interference are not prevalent, on what basis can such claims be made given the documented situation over the last decade?
- c. What mechanisms exist for the accountability of judges? How efficient are these disciplinary measures?

(ii) Access to justice:

- a. Does any reliable data and statistics exist that would allow an assessment on the length of potential civil law proceedings in Kosovo's court system?
- b. Would legal aid be available for the participating victims in private law suits before the courts located in Kosovo?
- c. What is the legal aid framework in Kosovo, how accessible and efficient it is? Are there sufficient funds available to ensure that legal aid is continuously provided?
- d. To what extent is the ECHtR jurisprudence integrated in Kosovo case law in private lawsuits?

(iii) Issues of anonymity, intimidation, and protection;

- a. How will the protective measures for victims be maintained if they pursue civil litigation in courts located in Kosovo?
- b. Would the Kosovo civil law system allow submissions of anonymous claims?
- c. Are courts well-equipped to ensure full anonymisation of plaintiffs (videolink, voice and face distortion, entrance to the building and physical protection)?

- d. What is the process of case file redaction? Who is responsible for anonymisation and redaction of case files?
- (iv) **Questions on the operation of the private law system (such as evidence, statutes of limitation, appeals, length of proceedings, legal representation);**
- a. What are the evidentiary requirements for victims to submit claims in Kosovo civil courts?
- b. Would a criminal judgement by KSC suffice to substantive reparations claims? If so, under what conditions?
- c. Could a claim already be brought while appeals proceedings might be ongoing before the KSC?
- d. Which statute of limitations do apply to cases covered in KSC's mandate in general, and the indictment in particular?
- e. What is the length of private lawsuits on average in Kosovo?
- f. What are the elements that impact the length of civil law proceedings?
- g. How much access to justice do specific groups within the population have?
- h. Is there any existing data or research that captures any level of bias against specific groups?
- (v) **International enforcement of judicial decisions, as Kosovo lacks judicial cooperation agreements or diplomatic ties in numerous jurisdictions, and relevant assets could still be held in those jurisdictions.**
- a. How will judicial decisions of private proceedings be enforced in cases where a defendant's assets are kept in a foreign country that lacks judicial cooperation agreements or diplomatic ties with Kosovo?
- b. How many countries do have judicial cooperation agreements with Kosovo?