



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**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:** Dr Fidelma Donlon

**Date:** 19 November 2021

**Language:** English

**Classification:** Public

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**Withdrawal of Application for Participation in the Proceedings from**

**Applicant Victim-35/06**

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**Specialist Prosecutor's Office**

Jack Smith

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Simon Laws

**Registry**

Head of Victims' Participation Office

**Counsel for Hashim Thaçi**

Gregory Kehoe

**Counsel for Kadri Veseli**

Ben Emmerson

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David Young

**Counsel for Jakup Krasniqi**

Venkateswari Alagendra

1. On 18 June 2021, the Victims' Participation Office ("VPO") filed the second report<sup>1</sup> on victims' applications for participation in the proceedings pursuant to Rule 113(2) of the Rules,<sup>2</sup> containing the application of Victim-35/06.<sup>3</sup>
2. On 9 November 2021, the applicant Victim-35/06 informed VPO of the decision to withdraw their application.<sup>4</sup> As the applicant does not have internet or any other means to send a statement of withdrawal, Victim-35/06 asked the VPO to convey the matter to the Pre-Trial Judge.
3. The VPO notes that there are no specific provisions in the legal framework of the Specialist Chambers as regards the withdrawal of applications from victim applicants and participating victims. However, the consensual, voluntary nature of victim participation can be inferred from the core provision on victims' participation, Rule 113 of the Rules,<sup>5</sup> and has also been recognized by the Pre-Trial Judge.<sup>6</sup>
4. As the applicant unequivocally expressed the wish to withdraw their application over the phone and gave valid reasons why a request in writing cannot be submitted, VPO recommends that the Pre-Trial Judge accept the withdrawal of Victim-35/06's application to participate in the proceedings.

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<sup>1</sup> KSC-BC-2020-06, F00360, Second Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, reclassified as Public, pursuant to order of the Pre-Trial Judge of 6 July 2021, with strictly confidential and *ex parte* Annexes 1-12 ('Second Report').

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ("Rules").

<sup>3</sup> See Second Report, Annex 6, strictly confidential and *ex parte*.

<sup>4</sup> See Victim-35/06, SD3 in LW.

<sup>5</sup> Rule 113(1) of the Rules provides that "a person claiming to be a victim [...] *may* file an application" (emphasis added).

<sup>6</sup> F00159, Framework Decision on Victims' Applications, 4 January 2021, paras 23 and 40, public: "(...) Ultimately, all applications, whether complete or not, should be submitted to the Pre-Trial Judge, *unless they are withdrawn* by the applicants."; (...) Before submitting the applications, however, the VPO may advise the applicants of the criteria under Article 22(1) of the Law and may give applicants the opportunity to supplement or *withdraw* such applications, if they so wish" (emph. added); *see also, e.g.*, Special Tribunal for Lebanon, *Prosecutor v Ayyash et al.*, Pre-Trial Judge, Decision on the Duty Legal Representative's Motion for Review of the Registrar's Decision of the Legal Lead Representative for Victims, [STL-11-01/PT/PTJ](#), 27 September 2012, para. 48; Decision Relating to the Request of the Legal Representative of Victims to Authorise Two Victims to Withdraw Their Participation, [STL-11-01/PT/PTJ](#), 19 December 2012, para. 5; International Criminal Court, [Regulations of the Registry](#), Regulation 101.

5. The supporting documentation with the note to the file has been disclosed only to the Pre-Trial Judge through Legal Workflow.

**Word count: 449**

A handwritten signature in dark ink, appearing to read 'Fidelma Donlon', written in a cursive style.

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**Dr Fidelma Donlon**  
**Registrar**

19 November 2021  
At The Hague, the Netherlands.