



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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

Filed by: Dr Fidelma Donlon

Date: 12 January 2022

Language: English

Classification: Public

Notification of Assignment of Counsel to Denied Applicant

With one confidential and *ex parte* Annex

Specialist Prosecutor's Office
Jack Smith

Counsel for Hashim Thaçi
Gregory Kehoe

Registry
Head of Victims' Participation Office

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Denied Applicant
Dr Anni Pues

Counsel for Rexhep Slimi
David Young

Victims' Counsel
Simon Laws

Counsel for Jakup Krasniqi
Venkateswari Alagendra

1. Pursuant to Rule 113(6) of the Rules¹ and Section 15(3) of the Directive on Counsel,² the Registrar hereby notifies the Pre-Trial Judge of the assignment of Counsel to one victim applicant, whose application to participate as a victim in the proceedings was denied through the Second Decision on Victims' Participation ('Second Decision').³

I. PROCEDURAL HISTORY

2. On 4 January 2021, the Pre-Trial Judge issued a Framework Decision on Victims' Applications.⁴

3. On 15 February 2021, the Victims' Participation Office ('VPO') submitted its first report on received applications,⁵ which was supplemented on 1 April 2021.⁶

4. The Pre-Trial Judge issued the First Decision on victims' participation on 21 April 2021, deferring the decision on the application of Victim-12/06 and ordering the VPO to submit further information.⁷

5. On 10 December 2021 the Pre-Trial Judge issued the Second Decision rejecting the application of Victim-12/06 as inadmissible.⁸

¹ Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

² Directive on Counsel, KSC-BD-04-Rev1, 28 April 2021; *see also* Legal Aid Regulations, KSC-BD-25, 03 September 2020, Regulation 31.

³ KSC-BC-06-2020, F000611/RED, Public Redacted Version of the Second Decision on Victims' Participation, 10 December 2021.

⁴ F00159, Framework Decision on Victims' Applications, 4 January 2021, public.

⁵ F00203, First Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 15 February 2021, public, with confidential and *ex parte* Annexes 1 - 19.

⁶ F00241, Supplement to First Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings with Recommendation on Grouping, 1 April 2021, public, with one confidential and *ex parte* Annex

⁷ F00257, Public Redacted Version of the First Decision on Victims' Participation, 21 April 2021, paras 59, 85(e).

⁸ Second Decision, paras 29, 30 and 70(a).

II. APPLICABLE LAW

6. Article 22(3) of the Law⁹ and Rule 113 of the Rules foresees the possibility for persons claiming to be victims of a crime alleged in the indictment to file applications for admission as victims participating in proceedings.

7. Pursuant to Rule 113(6) of the Rules, “[d]enied applicants may appeal as of right the decision within fourteen (14) days with the assistance, if necessary, of Counsel from the List of Victims’ Counsel assigned to them as a group”.¹⁰

8. Pursuant to Section 15(2) and (3) of the Directive on Counsel, upon assignment of Counsel to the denied applicants, the Registry shall notify the denied applicants of the decision and provide them with Counsel’s contact details.

III. SUBMISSIONS

9. On 11 January 2022, the Registrar assigned Dr Ani Pues as Counsel to the Denied Applicant, in accordance with Rule 113(6) of the Rules, Section 15(3) of the Directive on Counsel, and Regulation 31 of the Legal Aid Regulations.¹¹ Dr Pues was admitted to the List of Victims’ Counsel on 25 October 2018, in accordance with Rule 25 of the Rules and Section 7(3) of the Directive on Counsel.

10. Upon Dr Pues’s assignment as Counsel to the Denied Applicant, the VPO has arranged for delivery, via courier service, of a translation of the redacted version of the Second Decision to the Denied Applicant in a language the applicant understands and speaks, together with a letter notifying the Denied Applicant of the right to appeal pursuant to Rule 113(6) of the Rules.

⁹ Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (‘Law’), 3 August 2015.

¹⁰ Rule 113(6) of the Rules.

¹¹ See Annex 1, Letter of Assignment, KSC/REG/IOR/4872, 11 January 2022.

IV. CLASSIFICATION

11. Annex 1 is submitted as confidential and *ex parte* for distribution to Counsel for the Denied Applicant, as it contains personal information concerning Counsel.

Word count: 596

A handwritten signature in cursive script that reads "Fidelma Donlon".

Dr Fidelma Donlon
Registrar

12 January 2021

At The Hague, the Netherlands