



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: Trial Panel II
Judge Charles L. Smith III, Presiding Judge
Judge Christoph Barthe
Judge Guénaël Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

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Notification of Assignment of Two Counsel to Denied Applicants

With two confidential and *ex parte* Annexes

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Counsel for Hashim Thaçi

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Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

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 Trial Panel II of the assignment of two Counsel to the victim applicants whose applications to participate as victims in the proceedings were denied through the Fourth Decision on Victims' Participation ('Fourth Decision').³

I. PROCEDURAL HISTORY

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

3. On 25 January 2022 and 22 July 2022, the Victims' Participation Office ('VPO') submitted its fourth⁵ and fifth⁶ reports on received applications, respectively.

4. The Pre-Trial Judge issued the Fourth Decision on 12 December 2022, finding that Victim Applicants 23/06, 24/06, 29/06, 30/06, 31/06, 32/06, 42/06, 43/06, 48/06, 49/06, 50/06, 51/06, 52/06, 60/06, 61/06, 62/06, 69/06, 81/06, 83/06 and 87/06 ('Denied Applicants') are not admitted to the proceedings as participating victims.⁷

II. APPLICABLE LAW

5. Article 22(3) of the Law⁸ 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.

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

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

³ KSC-BC-2020-06, F01152/RED, Public Redacted Version of the Fourth Decision on Victims' Participation, 12 December 2022.

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

⁵ F00656, Fourth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 25 January 2022, public.

⁶ F00894, Fifth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 22 July 2022, public.

⁷ Fourth Decision, para 73(b).

⁸ Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ('Law'), 3 August 2015.

6. 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”.⁹

7. 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

8. On 20 December 2022, the Registrar assigned Ms Jelena Cakić and Mr Gregory Townsend as Counsel to the Denied Applicants, 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.¹⁰ Ms Cakić and Mr Townsend were admitted to the List of Victims’ Counsel on 2 May 2018, in accordance with Rule 25 of the Rules and Section 7(3) of the Directive on Counsel.

9. The VPO shall arrange for delivery, via courier service, of a translation of the redacted version of the Fourth Decision to the Denied Applicants in a language they understand and speak, together with a letter notifying the Denied Applicants of their right to appeal pursuant to Rule 113(6) of the Rules. The VPO shall also provide the Denied Applicants with the relevant contact details of the Counsel assigned to them.

⁹ Rule 113(6) of the Rules.

¹⁰ See Annex 1, Letter of Assignment, KSC/REG/IOR/5696, 20 December 2022; Annex 2, Letter of Assignment, KSC/REG/IOR/5697, 20 December 2022.

IV. CLASSIFICATION

10. Annexes 1 and 2 are submitted as confidential and *ex parte* for distribution to Trial Panel II, Counsel for the Denied Applicants, respectively, and the Head of VPO only, as they contain personal information concerning Counsel.

Word count: 588



Dr Fidelma Donlon
Registrar

Wednesday, 28 December 2022

At The Hague, the Netherlands