



**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

**Filed by:** Dr Fidelma Donlon

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### Notification of Assignment of Counsel to Denied Applicants

With four confidential and *ex parte* Annexes

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**Specialist Prosecutor's Office**

Alex Whiting

**Registry**

Head of Victims' Participation Office

**Counsel for Denied Applicants**

Tijana Kostić, Nikola Čukanović

Gregory Townsend, Milorad Konstantinović

**Victims' Counsel**

Simon Laws

**Counsel for Hashim Thaçi**

Gregory Kehoe

**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 Rules<sup>1</sup> and Section 15(3) of the Directive on Counsel,<sup>2</sup> the Registrar hereby notifies Trial Panel II ('Panel') of the assignment of four Counsel to the victim applicants whose applications to participate as victims in the proceedings were denied through the Fifth Decision on Victims' Participation ('Fifth Decision').<sup>3</sup>

## I. PROCEDURAL HISTORY

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

3. The Victims Participation Office ('VPO') submitted reports on 18 June 2021,<sup>5</sup> 18 November 2021,<sup>6</sup> 25 January 2022,<sup>7</sup> 22 July 2022,<sup>8</sup> 18 August 2022,<sup>9</sup> 3 October 2022,<sup>10</sup> 14 October 2022,<sup>11</sup> 20 October 2022,<sup>12</sup> and 9 December 2022.<sup>13</sup>

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

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

<sup>3</sup> KSC-BC-2020-06, F01293/RED, Public Redacted Version of the Fifth Decision on Victims' Participation, 15 February 2023.

<sup>4</sup> F00159, Framework Decision on Victims' Applications, 4 January 2021, public.

<sup>5</sup> F00360, Second 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 1-12.

<sup>6</sup> F00572, Third Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 18 November 2021, public, with confidential and *ex parte* Annexes 1-13.

<sup>7</sup> F00656, Fourth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 25 January 2022, public, with confidential and *ex parte* Annexes 1-17.

<sup>8</sup> F00894, Fifth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 22 July 2022, public, with strictly confidential and *ex parte* Annexes 1-26.

<sup>9</sup> F00930, Sixth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 18 August 2022, public, with strictly confidential and *ex parte* Annexes 1-51.

<sup>10</sup> F01007, Seventh Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, 3 October 2022, public, with strictly confidential and *ex parte* Annexes 1-30.

<sup>11</sup> F01037, Eighth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, public, 14 October 2022, with strictly confidential and *ex parte* Annexes 1-23.

<sup>12</sup> F01046, Ninth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, public, 20 October 2022, with strictly confidential and *ex parte* Annexes 1-16.

<sup>13</sup> F01148, Tenth Registry Report to the Pre-Trial Judge on Victims' Applications for Participation in the Proceedings, public, 9 December 2022, with strictly confidential and *ex parte* Annexes 1-9.

4. The Panel issued the Fifth Decision on 15 February 2023, denying the applications of 86 Victim Applicants as participating victims to the proceedings ('Denied Applicants').<sup>14</sup>

## II. APPLICABLE LAW

5. Article 22(3) of the Law<sup>15</sup> and Rule 113 of the Rules foresee 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.

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".<sup>16</sup>

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 21 February 2023, the Registrar assigned Mr Nikola Čukanović,<sup>17</sup> Mr Milorad Konstantinović,<sup>18</sup> Ms Tijana Kostić,<sup>19</sup> and Mr Gregory Townsend<sup>20</sup> 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.<sup>21</sup>

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<sup>14</sup> Fifth Decision, paras 18 and 47(b).

<sup>15</sup> Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ('Law'), 3 August 2015.

<sup>16</sup> Rule 113(6) of the Rules.

<sup>17</sup> Group 1, 33 denied applicants: V-109, V-161, V-162, V-138, V-126, V-185, V-142, V-134, V-174, V-175, V-176, V-177, V-178, V-127, V-128, V-129, V-192, V-193, V-194, V-132, V-133, V-135, V-136, V-141, V-182, V-183, V-184, V-139, V-140, V-143, V-229, V-263, V-264.

<sup>18</sup> Group 2, 20 denied applicants: V-145, V-146, V-147, V-153, V-213, V-159, V-154, V-160, V-144, V-148, V-156, V-151, V-152, V-158, V-150, V-224, V-155, V-222, V-223, V-149.

<sup>19</sup> Group 3, 20 denied applicants: V-88, V-90, V-107, V-164, V-165, V-167, V-171, V-137, V-172, V-181, V-179, V-205, V-190, V-257, V-258, V-253, V-166, V-272, V-273, V-105.

<sup>20</sup> Group 4, 13 denied applicants: V-89, V-91, V-92, V-93, V-94, V-104, V-106, V-168, V-169, V-170, V-255, V-256, V-271.

<sup>21</sup> See Annex 1, Assignment Letter, KSC/REG/IOR/5884, 21 February 2023, confidential; Annex 2, Assignment Letter, KSC/REG/IOR/5906, 28 February 2023, confidential; Annex 3, Assignment Letter,

9. In accordance with Rule 25 of the Rules and Section 7(3) of the Directive on Counsel, Mr Čukanović, Ms Kostić and Mr Townsend were admitted to the List of Victims' Counsel on 2 May 2018. Mr Konstantinović was admitted on 25 April 2019.

10. The VPO shall arrange for delivery, via courier service, of a translation of the redacted version of the Fifth 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.

#### IV. CLASSIFICATION

11. Annexes 1 to 4 are submitted as confidential and *ex parte* for distribution to Trial Panel II, the Registrar, Counsel for the Denied Applicants, and the Head of VPO only, as they contain personal information concerning Counsel.

**Word count: 934**



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

Friday, 3 March 2023

At The Hague, the Netherlands

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KSC/REG/IOR/5875, 21 February 2023, confidential; Annex 4, Assignment Letter, KSC/REG/IOR/5885, 21 February 2023, confidential.