



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

**Filed by:** Dr Fidelma Donlon

**Date:** 16 March 2023

**Language:** English

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**Notification of Assignment of Counsel to Denied Applicants**

**With one confidential and *ex parte* Annex**

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**Specialist Prosecutor's Office**

Alex Whiting

**Registry**

Head of Victims' Participation Office

**Counsel for Denied Applicants**

Tijana Kostić

**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 one Counsel to the victim applicants whose applications to participate as victims in the proceedings were denied through the Sixth Decision on Victims' Participation ('Sixth 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 the Eleventh Report on Victims' Applications for Participation in the Proceedings on 7 February 2023,<sup>5</sup> and the Twelfth Report on 14 February 2023.<sup>6</sup>

4. The Panel issued the Sixth Decision on 8 March 2023, denying the applications of 7 Victim Applicants as participating victims to the proceedings ('Denied Applicants').<sup>7</sup>

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

<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, F01355, Sixth Decision on Victims' Participation, 8 March 2023, strictly confidential and *ex parte* (*see also* F01355/RED, 10 March 2023).

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

<sup>5</sup> F01264, Eleventh Registry Report on Victims' Applications for Participation in the Proceedings, public, 7 February 2023, with strictly confidential and *ex parte* Annexes 1-5.

<sup>6</sup> F01292, Twelfth Registry Report on Victims' Applications for Participation in the Proceedings, public, 14 February 2023, with one strictly confidential and *ex parte* Annex.

<sup>7</sup> Sixth Decision, paras 15 and 38b.

## II. APPLICABLE LAW

5. Article 22(3) of the Law<sup>8</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>9</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 14 March 2023, the Registrar assigned Ms Tijana Kostić<sup>10</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>11</sup>

9. In accordance with Rule 25 of the Rules and Section 7(3) of the Directive on Counsel, Ms Kostić was admitted to the List of Victims’ Counsel on 2 May 2018.

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

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<sup>8</sup> Law on Specialist Chambers and Specialist Prosecutor’s Office, Law No. 05/L-053, 3 August 2015 (‘Law’).

<sup>9</sup> Rule 113(6) of the Rules.

<sup>10</sup> Group B, 7 denied applicants: V-275, V-276, V-277, V-278, V-279, V-280, V-281. *See* Sixth Decision, para. 5 and fn 8.

<sup>11</sup> *See* Annex 1, Assignment Letter, KSC/REG/IOR/5930, 14 March 2023, confidential.

IV. CLASSIFICATION

11. Annex 1 is submitted as confidential and *ex parte* for distribution to Trial Panel II, Registrar, Counsel for the Denied Applicants, and the Head of VPO only, as it contains personal information concerning Counsel.

**Word count: 594**

A handwritten signature in cursive script, reading "Fidelma Donlon", written over a horizontal line.

**Dr Fidelma Donlon**

**Registrar**

Thursday, 16 March 2023

At The Hague, the Netherlands