



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06/IA026

Before: **A Panel of the Court of Appeals Chamber**
Judge Michèle Picard
Judge Emilio Gatti
Judge Kai Ambos

Registrar: Fidelma Donlon

Date: 26 April 2023

Original language: English

Classification: Public

**Public Redacted Version of Decision on Appeals Against
"Fourth Decision on Victims' Participation"**

Head of Victims' Participation Office:

Tadeja Novinc

Counsel for Denied Applicants:

Jelena Cakić

Gregory Townsend

Counsel for Victims:

Simon Laws

THE PANEL OF THE COURT OF APPEALS CHAMBER of the Kosovo Specialist Chambers (“Court of Appeals Panel”, “Appeals Panel” or “Panel” and “Specialist Chambers”, respectively),¹ acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 169 of the Rules of Procedure and Evidence (“Rules”), is seised of two appeals against the Pre-Trial Judge’s “Fourth Decision on Victims’ Participation” (“Impugned Decision”),² filed by two Counsel assigned to 20 denied applicants,³ namely: (i) an appeal filed on 13 February 2023 by Counsel for Victim 24/06;⁴ and (ii) an appeal filed on 2 March 2023 by Counsel for Victims 23/06, 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, 87/06 (“19 Denied Applicants”).⁵

I. BACKGROUND

1. On 26 October 2020, the Pre-Trial Judge confirmed an indictment against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi; the operative indictment was filed on 29 April 2022 (“Indictment”).⁶

¹ IA026/F00010, Decision Assigning a Court of Appeals Panel, 15 March 2023.

² F01152/RED, Public Redacted Version of Fourth Decision on Victims’ Participation, 14 December 2022 (strictly confidential and *ex parte* version filed on 12 December 2022) (“Impugned Decision”).

³ See F01182, Notification of Assignment of Two Counsel to Denied Applicants, 28 December 2022, para. 8.

⁴ IA026/F00006/RED, Public Redacted Version of Appeal of Victim 24/06 against the “Fourth Decision on Victims’ Participation” pursuant to Rule 113(6) of the Rules, 13 February 2023 (strictly confidential and *ex parte* version filed on 13 February 2023) (“Victim 24/06 Appeal”).

⁵ IA026/F00009/RED/COR, Corrected version of public redacted version of Victims’ Counsel Appeal on Fourth Decision on victims’ participation, 14 March 2023 (strictly confidential and *ex parte* version filed on 2 March 2023, uncorrected public redacted version filed on 9 March 2023) (“19 Denied Applicants Appeal”). The Appeals Panel granted requests by Counsel for the 19 Denied Applicants for the variation of time and word limits to file the 19 Denied Applicants Appeal. See IA026/F00004, Decision on Request for Extension of Time to File Appeal Against Fourth Decision on Victims’ Participation, 7 February 2023; IA026/F00007, Decision on Request for Extension of Word Limit to File Appeal on Fourth Decision on Victims’ Participation, 15 February 2023 (“Appeal Decision on Extension of Word Limit”).

⁶ F00026/RED, Public Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, 30 November 2020 (strictly confidential and *ex parte* version filed on 26 October 2020, confidential redacted version filed on 19 November 2020); F00034/A01, Indictment, 30 October 2020 (strictly confidential and *ex parte*); F00045/A03, Further

2. On 4 January 2021 and 6 July 2021, respectively, the Pre-Trial Judge issued the “Framework Decision on Victims’ Applications” (“First Framework Decision”) and the “Second Framework Decision on Victims’ Applications”.⁷
3. On 25 January 2022 and 22 July 2022, respectively, the Victims’ Participation Office (“VPO”) submitted its fourth and fifth reports on received victims’ applications.⁸
4. On 12 December 2022, the Pre-Trial Judge issued the Impugned Decision, in which he, *inter alia*, rejected as inadmissible the applications of the 20 denied applicants.⁹
5. On 28 February 2023, Counsel for the 19 Denied Applicants filed submissions “pursuant to Article 22(6) of the Law”.¹⁰

redacted Indictment, 4 November 2020 (strictly confidential and *ex parte*, reclassified as public on 5 November 2020). A corrected confirmed indictment was filed on 3 September 2021. See F00455/RED/A01, Public Redacted Version of ‘Indictment’, KSC-BC-2020-06/F00455/A01, dated 3 September 2021, 8 September 2021 (strictly confidential and *ex parte* version filed on 3 September 2021). A confirmed amended and operative indictment was filed on 29 April 2022. See F00789/A05, Public Redacted Version of Amended Indictment, 29 April 2022. A further amended indictment was submitted on 30 September 2022. See F00999/A03, Public Redacted Version of Amended Indictment, 30 September 2022. A lesser redacted public redacted version of the further amended indictment was filed on 27 February 2023. See F01323/A01, Public Lesser Redacted Version of Amended Indictment, 27 February 2023 (confidential, reclassified as public on 27 February 2023) (“Indictment”).

⁷ F00159, Framework Decision on Victims’ Applications, 4 January 2021 (“First Framework Decision”); F00382, Second Framework Decision on Victims’ Applications, 6 July 2021.

⁸ F00656, Fourth Registry Report to the Pre-Trial Judge on Victims’ Applications for Participation in the Proceedings, 25 January 2022 (confidential and *ex parte*, reclassified as public on 28 January 2022), which included the VPO’s recommendations on the applications of Victims 23/06, 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 and 69/06; F00894, Fifth Registry Report to the Pre-Trial Judge on Victims’ Applications for Participation in the Proceedings, 22 July 2022 (confidential and *ex parte*, reclassified as public on 25 July 2022), which included the VPO’s recommendations on the applications of Victims 24/06, 81/06, 83/06 and 87/06.

⁹ Impugned Decision, paras 36, 38, 42, 47.

¹⁰ IA026/F00008/RED/COR, Corrected Version of Public Redacted Version of Victims’ Counsel Submission Pursuant to Article 22(6) of the Law No. 05/L-053, 13 March 2023 (strictly confidential and *ex parte* version filed on 28 February 2023, uncorrected public redacted version filed on 1 March 2023) (“Submissions by Counsel for the 19 Denied Applicants”).

II. STANDARD OF REVIEW

6. The Court of Appeals Panel adopts the standard of review for interlocutory appeals established in its first decision and applied subsequently.¹¹

III. PRELIMINARY MATTER

7. In submissions filed prior to the Appeal, Counsel for the 19 Denied Applicants argues that victims should participate in the proceedings from the early stages of the investigation phase, and claims that the victims' "right to truth" has been "withheld".¹² She therefore proposes that the Appeals Panel "consider" a right for individuals to participate in the pre-indictment and pre-trial proceedings as "victims" and in the trial proceedings as "victims participating in the proceedings", stating that, since the Law and Rules do not regulate the position of victims in the investigation phase, this should be regulated by a decision of "the Panel or Pre-Trial Judge".¹³

8. The Appeals Panel summarily dismisses these submissions, *inter alia* because they fail to challenge findings made in the Impugned Decision,¹⁴ and go beyond the scope of the appeal permissible under Rule 113(6) of the Rules and for which Counsel for the 19 Denied Applicants has been appointed.¹⁵

¹¹ KSC-BC-2020-07, IA001/F00005, Decision on Hysni Gucati's Appeal on Matters Related to Arrest and Detention, 9 December 2020 ("*Gucati* Appeal Decision"), paras 4-14. See also IA005/F00008, Decision on Appeal Against "First Decision on Victims' Participation", 16 July 2021 ("Appeal Decision on Victim Participation"), paras 4-5; IA023/F00006/COR, Decision on Veseli's Appeal Against "Third Decision on Victims' Participation", 15 September 2022 (uncorrected version filed on 15 September 2022), paras 9-10.

¹² Submissions by Counsel for the 19 Denied Applicants, paras 1-4, wherein Counsel for the 19 Denied Applicants also appears to submit that the Specialist Chambers' approach to victim participation amounts to inhuman and degrading treatment, contrary to Article 3 of the European Convention on Human Rights.

¹³ Submissions by Counsel for the 19 Denied Applicants, para. 5.

¹⁴ See e.g. KSC-BC-2020-07, IA002/F00005, Decision on Nasim Haradinaj's Appeal Against Decision Reviewing Detention, 9 February 2021, para. 29.

¹⁵ See also Appeal Decision on Victim Participation, para. 5

IV. DISCUSSION

A. VICTIM 24/06'S APPEAL

1. Submissions of Counsel for Victim 24/06

9. Counsel for Victim 24/06 submits that the Pre-Trial Judge committed “a procedural error and an injustice” in finding that *prima facie* information does not exist concerning the direct victim – to whom Victim 24/06 is connected – being held at one of the detention sites identified in the Indictment, as he failed to consider relevant [REDACTED] information in this regard.¹⁶ Counsel for Victim 24/06 therefore requests the Appeals Panel to reverse the Impugned Decision, and to either enter a new finding admitting Victim 24/06 to the proceedings or remand the application to the Trial Panel.¹⁷

10. Specifically, Counsel for Victim 24/06 argues that, while the initial application did not “dispositively prove” that the direct victim was detained at a certain location during certain dates listed in Schedule A to the Indictment,¹⁸ information to this effect could be found in [REDACTED] documents.¹⁹ He argues that Victim 24/06 only learned of this information recently, after having filed the application, and Counsel for Victim 24/06 also identified it following his appointment.²⁰ Counsel for Victim 24/06 attaches six documents to his Appeal, and argues that, alongside Victim 24/06's application, they show that the latter should be admitted to participate in the proceedings.²¹

¹⁶ Victim 24/06 Appeal, paras 2, 10, referring to Impugned Decision, para. 42(a).

¹⁷ Victim 24/06 Appeal, paras 1, 10-11.

¹⁸ Counsel for Victim 24/06 further submits that the wording of Schedule A of the Indictment, and the fact that no direct victims are named or listed therein, shows that the information provided in relation to the above-mentioned detention site is non-exhaustive; see Victim 24/06 Appeal, para. 3.

¹⁹ Victim 24/06 Appeal, paras 3-8.

²⁰ Victim 24/06 Appeal, paras 4-5.

²¹ Victim 24/06 Appeal, para. 9.

2. Assessment of the Court of Appeals Panel

11. The Appeals Panel notes at the outset that Counsel for Victim 24/06 alleges that the Pre-Trial Judge committed “a procedural error and an injustice”.²² The Appeals Panel can only consider alleged errors of law or fact.²³ In this case, it considers that Counsel for Victim 24/06 essentially alleges an error of fact on the Pre-Trial Judge’s part, and will proceed with its assessment on this basis.

12. Specifically, Counsel for Victim 24/06 first argues that the Pre-Trial Judge erred by failing to take into account certain [REDACTED] information, even though this information was not brought to his attention in the proceedings underlying the Impugned Decision.

13. In this regard, the Court of Appeals Panel recalls the VPO’s role²⁴ in administering the system of victim participation.²⁵ Specifically, pursuant to Rule 113(2) of the Rules, the VPO: (i) registers applications and assigns pseudonyms; (ii) reviews the content of applications to identify any missing, incomplete and/or inaccurate information; (iii) where necessary, reverts to applicants to request additional information or material to complete applications; and (iv) prepares applications for submission and files them before the Pre-Trial Judge, together with recommendations on admissibility and common representation.²⁶

14. In the First Framework Decision, the Pre-Trial Judge elaborated on this role, including by requiring the VPO to provide him with a report containing summaries of victim applications and supporting documents.²⁷ The Pre-Trial Judge also explained that he would review the submitted information and supporting material on a case-

²² Victim 24/06 Appeal, para. 10.

²³ Article 46(1) of the Law; *Gucati* Appeal Decision, para. 5.

²⁴ See Article 34(6) of the Law and Rule 23(5) of the Rules.

²⁵ See Article 22 of the Law. See also First Framework Decision, para. 7.

²⁶ Rule 113(2) of the Rules; First Framework Decision, paras 8, 20.

²⁷ See First Framework Decision, paras 19-25.

by-case basis to establish if the applicant had provided *prima facie* evidence of the harm suffered as a direct result of a crime in the Indictment, as per Rule 113(4) of the Rules.²⁸

15. Turning to the Impugned Decision, the Pre-Trial Judge explained that, in assessing whether the crimes in relation to which an applicant claims to be a victim fall under the material, geographical and temporal parameters of the charges as specified in the Indictment, he examined the VPO reports, the application forms, the supporting documents and the relevant parts of the Indictment.²⁹

16. The Appeals Panel sees no error in the Pre-Trial Judge's approach in reaching his factual findings on the admissibility of applicant victims. First of all, the applicable legal provisions, as detailed above, do not impose an obligation on the Pre-Trial Judge to *proprio motu* gather and evaluate additional information which may be relevant to the applications in question, whether this be [REDACTED] or not. Even in cases where the Specialist Chambers' legal framework imposes an obligation on a panel to *proprio motu* evaluate certain issues, namely when reviewing an accused's continued detention, the Appeals Panel clarified that the reasonableness of the scope of the Pre-Trial Judge's *proprio motu* evaluation must be assessed in light of the submissions he received thereon.³⁰ Therefore, the Panel finds that Counsel for Victim 24/06 has not demonstrated an error in the Pre-Trial Judge's decision not to seek, *proprio motu*, information relevant to Victim 24/06's application which would be additional to that put before him in the filings underlying his assessment.³¹

²⁸ See First Framework Decision, para. 29, referring to KSC-BC-2020-05, F00055, Framework Decision on Victims' Applications, 27 November 2020, para. 28. Similarly, see STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/PTJ, Decision on Victims' Participation in the Proceedings, 8 May 2012 ("*Ayyash et al.* Decision"), para. 62. See also First Framework Decision, para. 10.

²⁹ Impugned Decision, para. 35. See also Impugned Decision, para. 42(a).

³⁰ IA014/F00008/RED, Public Redacted Version of Decision on Kadri Veseli's Appeal Against Decision on Remanded Detention Review and Periodic Review of Detention, 31 March 2022 (confidential version filed on 31 March 2022), paras 42, 57.

³¹ See Impugned Decision, para. 42(a), wherein the Pre-Trial Judge makes a finding on the sufficiency of "the information provided".

17. Second, the Panel recalls that an interlocutory appeal is not a *de novo* review of an impugned decision. Rather, it is a corrective measure, whose scope is determined by that of the relevant proceedings before the lower panel.³² As such, the Appeals Panel will not consider information or material which was not before the Pre-Trial Judge at the time of issuing the Impugned Decision.³³ The Panel also recalls that arguments raised for the first time on appeal warrant summary dismissal.³⁴ Therefore, as the Appeals Panel has found no error in the Pre-Trial Judge's findings, it has no basis on which to reassess the application, nor to remand the matter to the relevant panel. Moreover, even if the Panel had found an error in the Pre-Trial Judge's finding and would thus have had a basis on which to reassess the application, this would be limited to assessing information and arguments that had been put before the Pre-Trial Judge, and thus would not encompass the new information and arguments now placed before the Panel on appeal.

18. Accordingly, Victim 24/06's Appeal is dismissed in its entirety. However, as the Panel considers that the personal interests and rights of victims must be protected, it sets out below how a denied applicant could resubmit their application for consideration of additional information.³⁵

B. 19 DENIED APPLICANTS' APPEAL

1. Submissions of Counsel for the 19 Denied Applicants

19. Counsel for the 19 Denied Applicants submits that the Pre-Trial Judge erred in law and fact by not finding that the direct victims to which the 19 Denied Applicants

³² See Appeal Decision on Extension of Word Limit, para. 6, referring to Article 46(1)-(2) of the Law; *Gucati* Appeal Decision, paras 5-10, 19; ICC, *Prosecutor v. Muthaura et al.*, ICC-01/09-02/11-202, Decision on the "Filing of Updated Investigation Report by the Government of Kenya in the Appeal against the Pre-Trial Chamber's Decision on Admissibility", 28 July 2011, para. 12.

³³ See Appeal Decision on Extension of Word Limit, para. 6.

³⁴ See Appeal Decision on Extension of Word Limit, para. 6, referring to KSC-BC-2020-07, IA004/F00007, Decision on the Defence Appeals Against Decision on Preliminary Motions, 23 June 2021, para. 15.

³⁵ See below, paras 30-31.

are connected fall within the scope of the Indictment, and asks the Appeals Panel to reverse the Impugned Decision and admit the 19 Denied Applicants to the proceedings.³⁶

20. She argues that the 19 Denied Applicants' "right to a fair trial" was affected as their applications "were not properly filed" and they were unable to provide further details in this phase of the proceedings.³⁷ Counsel for the 19 Denied Applicants submits that the applicants are not legally trained and lack access to legal tools to obtain information about the alleged crimes, even when they are aware of certain evidence.³⁸

21. Specifically, with regard to Victim 32/06, Counsel for the 19 Denied Applicants submits that a document contains information showing that the relevant direct victim was detained at the relevant detention site and during the relevant dates.³⁹ She argues that Victim 32/06 did not include this information in the application due to not being aware of its legal importance, and attaches to her Appeal six documents which, in her view, support a finding on the direct victim's detention.⁴⁰

³⁶ 19 Denied Applicants Appeal, paras 1, 3, 8.

³⁷ 19 Denied Applicants Appeal, para. 2, fn. 6. Counsel for the 19 Denied Applicants also takes issue with the victims not participating in the investigation and pre-trial phases; see 19 Denied Applicants Appeal, para. 2.

³⁸ 19 Denied Applicants Appeal, para. 7 and fn. 10; IA026/F00009/A10, Annex 10 to Victims' Counsel Appeal on Fourth Decision on Victims' Participation, 2 March 2023 (strictly confidential and *ex parte*) ("Annex 10"). See also IA026/F00009/A01, Annex 1 to Victims' Counsel Appeal on Fourth Decision on Victims' Participation, 2 March 2023 (strictly confidential and *ex parte*), p. 2, wherein Counsel for the 19 Denied Applicants states that Annex 10 concerns "all [of] the victims".

³⁹ 19 Denied Applicants Appeal, para. 4. In this regard, Counsel for the 19 Denied Applicants argues that the wording of Schedule A of the Indictment, and the fact that no direct victims are named or listed therein, shows that the information provided for the above-mentioned detention site is non-exhaustive.

⁴⁰ 19 Denied Applicants Appeal, para. 4.

22. With regard to Victim 83/06, Counsel for the 19 Denied Applicants submits that [REDACTED].⁴¹ She also attaches two documents to the Appeal and provides a hyperlink to a webpage, concerning this denied applicant.⁴²

23. Finally, in relation to Victim 23/06's application, Counsel for the 19 Denied Applicants provides a hyperlink to a webpage.⁴³

2. Assessment of the Court of Appeals Panel

24. The Appeals Panel will start by assessing arguments concerning all of the 19 Denied Applicants. First, the Panel summarily dismisses as unsubstantiated the argument of Counsel for the 19 Denied Applicants that their applications were incomplete and therefore improperly filed.⁴⁴ Specifically, Counsel fails to concretely explain how any of the additional information which in her view should have been part of the initial applications would have actually led the Pre-Trial Judge to reach a different finding on the applications of each of the 19 Denied Applicants.⁴⁵

25. Next, the Panel notes that, beyond the overarching arguments analysed above, Counsel for the 19 Denied Applicants only made specific submissions on three of the 19 Denied Applicants she represents. Accordingly, given that the overarching arguments have been summarily dismissed, the Appeals Panel must at this stage dismiss the 19 Denied Applicants' Appeal insofar as it concerns Victims 29/06, 30/06,

⁴¹ 19 Denied Applicants Appeal, para. 5.

⁴² 19 Denied Applicants Appeal, para. 5, fn. 12.

⁴³ 19 Denied Applicants Appeal, para. 6, fn. 13.

⁴⁴ See *Gucati* Appeal Decision, para. 22. The Appeals Panel also summarily dismisses Counsel for the 19 Denied Applicants' argument generally challenging victims' lack of participation in the investigation and pre-trial proceedings, for failing to challenge a finding made by the Pre-Trial Judge in the Impugned Decision; see above, fn. 37. The Panel also notes that these submissions are similar in substance to the ones made in Counsel for the 19 Denied Applicants' Submissions, which were summarily dismissed above on the same basis; see above, paras 7-8.

⁴⁵ See 19 Denied Applicants Appeal, para. 2, fn. 6.

31/06, 42/06, 43/06, 48/06, 49/06, 50/06, 51/06, 52/06, 60/06, 61/06, 62/06, 69/06, 81/06 and 87/06.

26. Turning next to the submissions on specific denied applicants, the Appeals Panel notes that Counsel for the 19 Denied Applicants' arguments concerning Victims 23/06, 32/06 and 83/06 fail to challenge any findings made by the Pre-Trial Judge in the Impugned Decision.⁴⁶ Instead, she: (i) makes submissions on why Victim 32/06 did not include certain information in the initial application, but does not allege that the Pre-Trial Judge erred in the scope of the factual assessment of the initial application; (ii) makes submissions in respect of Victim 83/06 which are unrelated to the victim's application to participate in the proceedings; and (iii) makes no submissions in respect of Victim 23/06, beyond stating a connection to a direct victim, which was not the basis on which the Pre-Trial Judge decided not to admit Victim 23/06 to the proceedings and is therefore not a live issue in these interlocutory appellate proceedings. Accordingly, these arguments are summarily dismissed.

27. Furthermore, Counsel for the 19 Denied Applicants places before the Appeals Panel additional information concerning each of these three denied applicants, both in the form of annexed documents and hyperlinks to webpages, presumably asking the Appeals Panel to take them into account in reassessing the denied applications. In line with its findings above, as no error has been shown in the Pre-Trial Judge's findings on the initial applications, the Appeals Panel has no basis on which to reassess the denied applications and, in any event, any such reassessment would be limited to information and arguments that had been put before the Pre-Trial Judge, and so would not encompass the new information and arguments now placed before the Panel on appeal.⁴⁷

⁴⁶ See above, para. 8.

⁴⁷ See above, para. 17.

28. Accordingly, the Appeals Panel rejects the remainder of the 19 Denied Applicants' Appeal, namely insofar as it concerns Victims 23/06, 32/06 and 83/06.

29. However, as noted above, since the Panel considers that the personal interests and rights of victims must be protected, it sets out below how a denied applicant could resubmit their application for consideration of additional information.⁴⁸

C. POSSIBILITY OF RESUBMITTING VICTIM APPLICATION FOR CONSIDERATION OF ADDITIONAL INFORMATION

30. At this juncture, the Panel considers that, should a denied applicant wish to present new information, which was not known to or in the possession of the applicant at the time of the initial application and warranting a new consideration of their request for admission to the proceedings, they can do so by resubmitting their application for participation through the VPO before a competent panel seised of the case at the relevant time, to be reassessed in light of the new information.⁴⁹ While this is not explicitly provided for in the Specialist Chambers' legal framework, the Appeals Panel sees no impediment to this course of action and considers that it would be in the interest of justice and protect the personal interests and rights of victims.

31. Finally, the Panel is cognisant of the fact that, in the present case, the deadline set by the Trial Panel for applications for victims to participate in these proceedings

⁴⁸ See below, paras 30-31.

⁴⁹ See, similarly, ICC, *Prosecutor v. Bemba*, ICC-01/05-01/08-1862, Decision on 270 applications by victims to participate in the proceedings, 25 October 2011, para. 31, wherein the chamber stated that the reconsideration of previously rejected applications was dependent on the new information warranting a new determination of the application. See also ICC, *Prosecutor v. Bemba*, ICC-01/05-01/08-699, Decision defining the status of 54 victims who participated at the pre-trial stage, and inviting the parties' observations on applications for participation by 86 applicants, 22 February 2010, para. 20; *Ayyash et al.* Decision, para. 107; STL, *Prosecutor v. Ayyash*, STL-18-10/PT/PTJ, Decision Relating to Victims' Participation in the Proceedings and Their Legal Representation, 17 April 2020, para. 58. The Panel moreover notes that the Pre-Trial Judge also indicated in the Impugned Decision another situation in which a rejected application may be reassessed, namely if the charges in the Indictment are amended; see Impugned Decision, paras 37, 43.

has passed,⁵⁰ and that Rule 113(1) of the Rules states that such applications may be filed sufficiently in advance of the opening of the case pursuant to Rule 124 of the Rules, which has already taken place on 3 April 2023.⁵¹ However, in order to protect the personal interests and rights of victims, the Appeals Panel considers that a panel receiving any resubmitted applications from previously denied applicants, in this case the Trial Panel, may accept such applications under Rule 9(5)(b) of the Rules, even after both of the time limits described above have expired.⁵²

⁵⁰ Order setting deadline for applications for admission of victims participating in the proceedings, Transcript, 18 January 2023, pp. 1902-1903.

⁵¹ See Order on Opening of the case and postponement requests, Transcript, 15 February 2023, pp. 2038-2039; Transcript, 3 April 2023.

⁵² See e.g. KSC-BC-2020-04, F00433, Decision on victims' procedural rights during trial and related matters, 24 February 2023 (confidential, reclassified as public on 6 March 2023), para. 51, wherein the relevant Trial Panel decided to vary, under Rule 9(5) of the Rules, the deadline for the submission of victim applications for participation in the proceedings beyond the time limit set out in Rules 113(1) and 124 of the Rules, namely until the closing of the SPO's case pursuant to Rule 129 of the Rules.

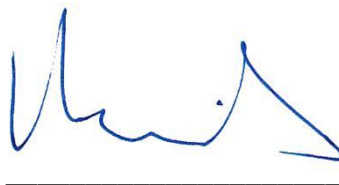
V. DISPOSITION

32. For these reasons, the Court of Appeals Panel:

DISMISSES Counsel for the 19 Denied Applicant's Submissions;

DENIES Victim 24/06's Appeal; and

DENIES the 19 Denied Applicants' Appeal.



**Judge Michèle Picard,
Presiding Judge**

Dated this Wednesday, 26 April 2023

At The Hague, the Netherlands