



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 Guénaél Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Registrar

**Date:** 11 October 2023

**Language:** English

**Classification:** **Public**

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**Public Redacted Version of “Resubmission of the Fourteenth Registry Report on  
Victims’ Applications for Participation in the Proceedings”**

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**Counsel for Victims**

Simon Laws

**Counsel for Rexhep Selimi**

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## I. INTRODUCTION

1. The Victims' Participation Office ('VPO') hereby re-submits the Fourteenth Report ('Resubmitted Fourteenth Report') on victims' applications for participation in the proceedings pursuant to Rule 113(2) of the Rules,<sup>1</sup> providing additional information, as instructed by Trial Panel II ('The Panel').<sup>2</sup>

## II. PROCEDURAL HISTORY

2. On 18 January 2023, at the trial preparation conference, the Panel ordered the Registry to submit any remaining applications for admission of victims participating in the proceedings by 15 February 2023 ('Order').<sup>3</sup> Following this Order, the VPO transmitted to the Panel all remaining applications it had in its possession.<sup>4</sup>

3. On 14 June 2023, the VPO filed the Thirteenth Registry Report on Victims' Applications for Participation in the Proceedings, transmitting an amended application for the status of a participating victim in the proceedings from one applicant whose participation had previously been denied.<sup>5</sup>

4. On 18 August 2023, the VPO filed the Fourteenth Report on Victims' Applications for Participation in the Proceedings ('Fourteenth Report'),<sup>6</sup> transmitting nine additional applications that were received by the VPO since the Thirteenth

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

<sup>2</sup> KSC-BC-2020-06, F01801, Decision on Fourteenth Registry Report on Victims' Applications, 19 September 2023, strictly confidential and *ex parte* ('Decision on the Fourteenth Report') (*see also* F01801/RED, 19 September 2023, public), para. 13.

<sup>3</sup> Oral Order setting deadline for applications for admission of victims participating in the proceedings, 18 January 2023, Transcript p. 1902 l. 20 – p. 1903 l. 4.

<sup>4</sup> F01264, Eleventh Registry Report Victims' Applications for Participation in the Proceedings, 7 February 2023, public, with strictly confidential and *ex parte* Annexes 1-5, para. 7; F01292, Twelfth Registry Report on Victims' Applications for Participation in the Proceedings, 14 February 2023, public, with one strictly confidential and *ex parte* annex, para. 5.

<sup>5</sup> F01605, Thirteenth Registry Report on Victims' Applications for Participation in the Proceedings, 14 June 2023, strictly confidential and *ex parte*, with one strictly confidential and *ex parte* annex ('Thirteenth Report') (*see also* F01605/CONF/RED, 15 June 2023, public).

<sup>6</sup> F01801, Fourteenth Registry Report on Victims' Applications for Participation in the Proceedings, 18 August 2023, strictly confidential and *ex parte*, with ten strictly confidential and *ex parte* annexes (*see also* F01801/RED, 22 August 2023, public).

Report was filed. In the Fourteenth Report, the VPO indicated that all nine applicants [REDACTED] and were, for reasons outside of the VPO's control, unable to apply earlier and without direct assistance.<sup>7</sup> The VPO submitted that it would be in the interests of justice for the Panel to consider the applications after the deadline set by the Panel.<sup>8</sup>

5. On 19 September 2023, the Panel issued its Decision on the Fourteenth Report, declining to consider the merits of the nine applications, without prejudice, as the Panel was not persuaded that there was good cause for the Panel to recognise as valid the transmission of the applications after the expiration of the set time limit.<sup>9</sup> The Panel noted that the VPO is at liberty to resubmit the Fourteenth Report, clearly articulating the reasons why the applications were submitted late and why those reasons were outside the VPO's control.<sup>10</sup>

### III. ADDITIONAL INFORMATION

6. In the Fourteenth Report, the VPO explained that eight applicants (Victim-287/06, Victim-288/06, Victim-289/06, Victim-290/06, Victim-291/06, Victim-292/06, Victim-293/06, Victim-294/06), all of whom [REDACTED].<sup>11</sup> With regard to the ninth applicant (Victim-286/09), the VPO explained that the applicant first expressed the wish to apply as a participating victim in the proceedings [REDACTED], and the VPO was called [REDACTED] to assist with filling in the application.<sup>12</sup>

7. In line with the Panel's Decision on the Fourteenth Report, the VPO provides additional information, below, regarding the reasons for the submission of the applications beyond the deadline in the Panel's Order.

8. The VPO recalls that through the First and Second Framework Decisions on Victims' Applications, the Pre-Trial Judge instructed the SPO to indicate to the VPO

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<sup>7</sup> Id., para. 7.

<sup>8</sup> Id., para. 8.

<sup>9</sup> Decision on the Fourteenth Report, paras 12-13.

<sup>10</sup> Id., para. 13.

<sup>11</sup> Fourteenth Report, para. 7.

<sup>12</sup> Victim-286/06 [REDACTED]. [REDACTED].

any person who has suffered harm as a direct result of a crime in the Confirmed Indictment, including contact details of such persons so as to enable the VPO to reach out to them directly. SPO was further ordered to provide the VPO with any other necessary information or recommendation related to the security of the applicants, so that the VPO can exercise its functions fully and with due respect to the prevailing security considerations.<sup>13</sup> Accordingly, the VPO and SPO have liaised extensively in this respect, since the start of proceedings.<sup>14</sup>

9. With regard to the eight [REDACTED] applicants referred to above and in the Fourteenth Report, the Registry of the Kosovo Specialist Chambers ('KSC') has been actively and steadily engaged [REDACTED], as well as general and specific outreach efforts to identify and locate potential victim applicants [REDACTED], for the past several years.

10. As a general matter, predominantly due to [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

11. In January 2021, following the First Framework Decision, the VPO was granted access to the unredacted version of the Confirmed Indictment, including the names of [REDACTED] victims identified by the SPO.<sup>15</sup> At that time [REDACTED] in an effort to intensify [REDACTED] regarding the victims' participation process.

12. On [REDACTED] 2021, the Registry's Head of the Judicial Services Division [REDACTED].

13. On [REDACTED] 2021, [REDACTED]. [REDACTED].<sup>16</sup> [REDACTED]. [REDACTED].

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<sup>13</sup> F00382, Second Framework Decision on Victims' Applications, 6 July 2021, public ('Second Framework Decision'), paras 16-17; F00159, Framework Decision on Victims' Applications, 4 January 2021, public ('First Framework Decision'), paras 14-15.

<sup>14</sup> See, e.g., F00203, First Registry Report on Victims' Applications for Participation in the Proceedings, 15 February 2021, para. 5.

<sup>15</sup> Ibid.

<sup>16</sup> Annex 1, strictly confidential and *ex parte*.

14. Immediately following [REDACTED], in [REDACTED] 2021, the Registry began planning [REDACTED].<sup>17</sup> In preparation [REDACTED]. The Registry also [REDACTED]. The Registry [REDACTED].

15. The Registry also [REDACTED] about the system of victims' participation, as well as the details of the application process. [REDACTED] to help them complete their application forms.<sup>18</sup> The Registry further [REDACTED] with information leaflets concerning victims' participation [REDACTED].

16. [REDACTED].

17. In [REDACTED] 2022, [REDACTED].

18. [REDACTED]. [REDACTED] continued throughout the end of 2022 and into 2023.

19. In [REDACTED] 2023, [REDACTED] meetings with individuals who had expressed an interest in applying to participate as victims in the proceedings. The earliest possible time [REDACTED] was [REDACTED] 2023.

20. [REDACTED], the Head of VPO met with a total of 10 potential victim applicants, out of whom seven ultimately decided to apply, and their applications were submitted in the Fourteenth Report. Meetings were planned with two other individuals who had expressed a desire to apply, but the individuals did not come to the agreed meeting. In one case, [REDACTED] a video-call between the individual and the VPO [REDACTED], so that VPO could provide the necessary assistance in completing the application form (Victim-294/06).

21. With regard to the ninth applicant, through no fault of their own, Victim-286/06 was unable to apply to participate in the proceedings within the deadline set by the Panel, due to an internal oversight. This is extremely regrettable, and the VPO emphasizes that the responsibility for this oversight does not lie with the applicant, [REDACTED]. Prior to [REDACTED], Victim-286/06 was neither aware of nor advised by the VPO [REDACTED] of the possibility to participate as a victim in the

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<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

proceedings. As soon as the applicant was advised of the main features of the victims' participation program, Victim-286/06 expressed a desire to participate, and the VPO provided direct assistance to Victim-286/06 in preparing the application [REDACTED]. It is without a doubt the responsibility of the VPO to reach out to potential victims and provide direct assistance in completing applications, [REDACTED]. Here, Victim-286/06 was unable to apply to participate in the proceedings within the deadline set by the Panel for reasons beyond Victim-286/06's control.

22. As detailed above, it was not practically possible for the applicants to have applied prior to the deadline set by the Panel in its Order. Accordingly, the VPO submits that the applicants have met the threshold for consideration by the Panel based on a showing of good cause under Rule 9(5)(b) of the Rules and respectfully requests that the Panel consider the merits of the applications despite the expiration of the relevant time limit. The VPO submits that it would be in the interests of justice, and would protect the rights of victims, to have their applications considered.

#### IV. RESUBMISSION

23. The VPO hereby resubmits and incorporates by reference its assessment of the nine applications contained in paragraphs 13-57 of the Fourteenth Report, together with the ten strictly confidential and *ex parte* Annexes to the Fourteenth Report.

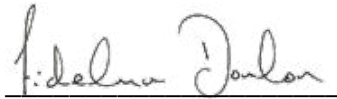
#### V. CLASSIFICATION

24. This Resubmitted Fourteenth Report and its Annex are submitted as strictly confidential and *ex parte* as they contain information related to [REDACTED].

25. The Registrar requests the Panel to retain the classification of the Annex 1 to this Resubmitted Fourteenth Report, as it contains [REDACTED].

26. The VPO will file a confidential and *ex parte* redacted version of this filing.

**Word count: 2210**

A handwritten signature in cursive script, reading "Fidelma Donlon", written in black ink on a white background. The signature is positioned above a horizontal line.

**Dr Fidelma Donlon**

**Registrar**

Tuesday, 11 October 2023

At The Hague, the Netherlands.