

In: KSC-BC-2020-06
**The Specialist 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

Filing Participant: Victims' Counsel

Date: 29 November 2023

Language: English

Classification: Public

**Public Redacted Version of Victims' Counsel's Request for permission to provide
statements made by [REDACTED] to V268/06, V269/06, and V270/06**

Specialist Prosecutor's Office
Kimberly P. West

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Gregory Kehoe

Counsel for Kadri Veseli
Ben Emmerson

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Simon Laws

Counsel for Rexhep Selimi
Geoffrey Roberts

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I. INTRODUCTION

1. Pursuant to Article 22(3) and (6) of the Law on Specialist Chambers and Specialist Prosecutor's Office (Law No. 05/L-053) ("Law"), and Rule 114(4)(a) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), Victims' Counsel requests permission to provide five statements which were made by [REDACTED] (deceased) to [REDACTED], V268/06, V269/06, and V270/06 ("the VPPs"), at their request. These statements are currently classified as confidential.
2. These statements are contained in [REDACTED] in two documents: (i) [REDACTED] and (ii) [REDACTED]. [REDACTED] contains [REDACTED] of [REDACTED]'s statements, admitted [REDACTED] as [REDACTED].¹ [REDACTED] is the [REDACTED], and admitted [REDACTED] as [REDACTED].²

II. CLASSIFICATION

3. This submission is classified as strictly confidential and *ex parte* pursuant to Rule 82(1) and (3). The information contained herein, despite the use of pseudonyms, would clearly identify the concerned single-status VPPs when connected with the statements of [REDACTED]. A redacted strictly confidential *ex parte* Defence only version is filed simultaneously.

III. BACKGROUND

4. V268/06, V269/06, and V270/06 were admitted as victims participating in the proceedings ("VPPs") on 15 February 2023.³ [REDACTED] is deceased⁴ and is not subject to protective measures. [REDACTED]'s statements were admitted

¹ [REDACTED].

² [REDACTED].

³ KSC-BC-2020-06/F01293, Fifth Decision on Victims' Participation, 15 February 2023 ("Fifth Decision on Victims' Participation"), para. 16 b and fn 37.

⁴ [REDACTED].

pursuant to Rules 138(1) and 155 as exhibits in Case 06 and are classified as confidential.⁵

5. [REDACTED] have asked to be provided with [REDACTED] statements in order to have what happened to [REDACTED], [REDACTED], and [REDACTED], “in [REDACTED] own words”. The VPPs concerned were [REDACTED] at the time of events that changed their lives irreversibly. Their wish is to keep a tangible memory of what happened to [REDACTED], [REDACTED], and [REDACTED] as described by [REDACTED].
6. Following a request by Victims’ Counsel, the SPO indicated by email on 13 November 2023 that they would “support any application to the Panel for authorisation to share these confidential, admitted exhibits with the witness’s [REDACTED].”⁶ On 16 November, the SPO further indicated to Victims’ Counsel that they did not oppose [REDACTED] from receiving [REDACTED] the statement in due course.⁷
7. [REDACTED].⁸

IV. SUBMISSIONS

8. Victims’ Counsel notes that paragraph 212(I) of the Framework Decision for the Handling of Confidential Information does not regulate this specific instance.⁹ Neither do the Rules.¹⁰ Therefore, a request for leave to provide the identified documents to the three VPPs is necessary.

⁵ [REDACTED].

⁶ Email from SPO to Victims’ Counsel, 13 November 2023 at 11:38.

⁷ Email from SPO to Victims’ Counsel, 16 November 2023 at 16:39.

⁸ [REDACTED].

⁹ KSC-BC-2020-06/F00854, Decision on Framework for the Handling of Confidential Information during Investigations and Contact between a Party or Participant and Witnesses of the Opposing Party or of a Participant, 24 June 2022, para. 212 (I).

¹⁰ Rule 114(3) states that Victims’ Counsel shall not reveal confidential information to his clients in the process of keeping them informed about the proceedings. This is not the situation at hand.

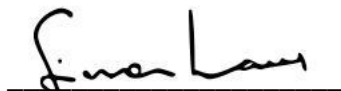
9. Victims' Counsel notes that sharing the statements made by [REDACTED] with V268/06, V269/06, and V270/06 carries no risk to the security of witnesses or VPPs. [REDACTED] is deceased and the SPO has consented to the provision of the two identified documents to [REDACTED]. Should the Panel grant the request, Victims' Counsel will instruct the concerned VPPs that the statements they are receiving are confidential and that they must not be shared with others.

V. REQUEST

10. For the foregoing reasons, Victims' Counsel requests permission to provide V268/06, V269/06, and V270/06 with a copy of the following documents:

- (i) [REDACTED], and
- (ii) [REDACTED].

Word count: 822



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29 November 2023

At The Hague, the Netherlands