

GUIDANCE REGARDING YOUR APPLICATION

The Application Form

The form entitled *Application for Admission as a Victim Participating in Proceedings* is designed to help you provide the Kosovo Specialist Chambers (KSC) with the information required so that a decision on your participation can be taken. Completing this form does not automatically mean that your request to participate in the proceedings will be accepted.

Completing the Application Form

If you believe that you have suffered physical, mental or material harm as a direct result of a crime alleged in an indictment confirmed by a Pre-Trial Judge of the KSC and you would like to be a participating victim in the KSC case dealing with that crime, you can fill out this form.

You may also apply if you believe that you suffered harm as an indirect victim. In that case you have to indicate the relationship with the direct victim and show proof of that relationship.

Please note that if the harm you suffered is the result of a crime that is NOT listed in an indictment confirmed by a Pre-Trial Judge of the KSC, your application will be rejected.

If you are a person under 18 years of age or if you are an adult who has been declared as lacking legal capacity by the competent jurisdiction, your parent or legal guardian may complete the form on your behalf. They must provide their personal and contact details in Section 4 of the form. If that person also considers himself or herself a victim of a crime alleged in a confirmed indictment, he or she will have to complete a separate application form.

IMPORTANT:

The application form will be disclosed to the Pre-Trial Judge or Trial Panel and become part of the record of the judicial proceedings. This, however, does not mean that your name and surname and other identifying information could not be shared with the public, the Defence Counsel and the Accused and the Specialist Prosecutor's Office (Prosecution).

If out of concern for your safety or that of your family or your close acquaintances, you do not want all or any part of information by which you might be identified to be disclosed to the public, the Defence Counsel, the Accused and/or the Prosecution, please tick the corresponding boxes in Section 3 and provide your reasons in the information box.

Completing Section 3 does not automatically mean that your request for non-disclosure of identifying information will be accepted. Please note that the Pre-Trial Judge or Trial Panel will rule on this request. If this request is rejected, you will be informed accordingly and be asked by the KSC, whether you wish to continue with your application to participate in the proceedings.

Receipt of Your Application

You will be notified when the KSC receives your application form. You will receive a registration number that you should use when communicating with the KSC.

The Victims' Participation Office will contact you for additional information should it be required. If you send additional information, please provide the registration number mentioned above to ensure that your application is correctly updated.

Submission of Your Application to the Pre-Trial Judge or Trial Panel

The Victims Participation Office will forward your application to the Pre-Trial Judge or Trial Panel assigned to the case dealing with the alleged crime(s) you indicated in the form.

The Pre-Trial Judge or Trial Panel will decide whether you may participate in the proceedings. You will be informed of his or her decision. If he or she decides not to allow your participation, you have the right to lodge an appeal against the decision within fourteen days.

Legal Representation

The Pre-Trial Judge may decide to divide victims participating into groups to be jointly represented. A lawyer will be assigned by the Registrar from the List of Counsel.

The Registrar will assign a lawyer to the group of victims, taking into account, to the extent possible, the views, interests and preferences of the participating victims. The Victims' Participation Office may contact you in this regard. Please note, however, that it will not be possible to grant all preferences, as an entire group of victims will have to be represented by one lawyer.

Participation in the Proceedings

The lawyer representing your group will keep you informed throughout the proceedings and will seek your views and hear your concerns in relation to the proceedings with a view to bring them to the attention of the Judges.

In representing your group, the lawyer may:

- be present at hearings, make oral or written submissions and question witnesses, whenever a Trial Panel considers that the personal interests and rights of victims so require;
- have access to material required to represent the group of victims, as determined by a Panel,;
- make opening and closing statements at trial;
- request a Trial Panel to order the submission of evidence and to hear witnesses on the impact of the crimes on the personal interests of victims participating in the proceedings, if such aspects were not adequately addressed during the case.

Privacy Notice

The KSC is committed to meeting the highest standards when collecting and using personal information. The privacy notice supplied with this guide tells you what to expect when the KSC processes your application. For further information about personal data protection at the Kosovo Specialist Chambers, see <https://www.scp-ks.org/en/privacy-notice>.