



VICTIMS' PARTICIPATION AT THE KSC



Notification, acknowledgement and reparation are a victims' personal interest and rights in criminal proceedings before the Kosovo Specialist Chambers (KSC).

In order to give effect to these rights and interests, victims may be allowed to participate in the proceedings at the KSC. Participation takes place through Counsel.

WHO IS A VICTIM?

A natural person who believes to have personally suffered physical, material or mental harm as a **direct result of a crime alleged in an indictment** confirmed by a Pre-Trial Judge may apply in order to be admitted as a participating victim.

In order to qualify as a victim before the KSC, an applicant must provide sufficient evidence of the harm suffered as a direct result of any crime in the indictment. A Panel will decide on the application.

HOW, WHERE AND WHEN TO APPLY?

Victims may **apply** to participate once a **confirmed indictment is made public**. Those who suffered harm through a crime contained in the indictment may choose to apply and become a participating victim.

Once a confirmed indictment is made public, the Victims' Participation Office of the Registry will make application forms available and provide more detailed information about the requirements for admission as a victim and about the application process.

Applications must be submitted to the Victims' Participation Office sufficiently in advance of the opening of the trial.

The Victims' Participation Office will treat **all victims' applications** and communications with potential victims and those who assist them as **confidential**.

CONTACT

For any questions, please contact the Victims' Participation Office at: vpo@scp-ks.org or at Kosovo Specialist Chambers

*P.O. Box 47
2501 CA, The Hague, The Netherlands*

HOW CAN VICTIMS PARTICIPATE?

Victims who are admitted to participate in the proceedings will form **one or more groups** as decided by the Panel of Judges. When deciding on the admission and the modalities of victims' participation, Judges must ensure that this does not affect the fairness and expeditiousness of the proceedings as a whole.

Counsel will be assigned by the Registrar to represent a group of victims. In the decision to assign Counsel, the **views, interests and preferences of the participating victims** will be taken into account. The Victims' Participation Office will manage a system of payment for Counsel.

Counsel will **keep the victims informed** throughout the proceedings and **will seek their views and hear their concerns** in relation to the proceedings with a view to bring them to the attention of the Judges.

In representing a group of victims, Counsel may:

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

At the end of the trial proceedings, the Panel of Judges may issue a decision on the damage, loss and injury to victims that may form the basis for a finding on reparations.

LIST OF COUNSEL

On 6 November 2017, the Registrar adopted the Directive on Counsel, after approval by the President upon consultation with the Judges of the Kosovo Specialist Chambers.

The Directive regulates the eligibility for inclusion in a List of Counsel, ongoing obligations of Counsel admitted to the List, as well as the modalities for withdrawal and removal from the List. The Victims' Participation Office establishes a List of Counsel who are eligible to represent a group of victims before the Specialist Chambers ("List of Victims' Counsel").

Only those Counsel who are admitted to a List are eligible to represent suspects and accused before the Specialist Chambers.

The requirements for admission to a List of Counsel are:

- Established competence and experience in domestic criminal and/or international criminal law and procedure;
- At least ten (10) years, and for purposes of acting as Co-Counsel at least seven (7) years, of proven relevant experience whether as a lawyer for defence or victims, as a prosecutor, a judge or in a comparable capacity in criminal proceedings; including, for admission to the List of Victims' Counsel, at least five (5) years of proven relevant

experience in criminal cases involving victims, including vulnerable victims;

- For the duration of the admission to a List of Counsel, the applicant continues to be a member of a domestic bar association or similar institution, or a judge or a prosecutor subject to an oversight authority;
- Written and oral proficiency in one of the official languages of the Specialist Chambers (Albanian, Serbian, English);
- The applicant has not been found guilty in criminal proceedings or otherwise disciplined in relevant disciplinary proceedings against him or her in a national or international forum;
- The applicant has not engaged in conduct, which is dishonest or otherwise discreditable to Counsel, prejudicial to the administration of justice, or likely to diminish public confidence in the Specialist Chambers or the administration of justice, or otherwise bring the Specialist Chambers into disrepute.

Where criminal, disciplinary or other proceedings, investigations or inquiries are pending against an applicant, the decision on admission shall be deferred until the outcome thereof becomes final.

HOW TO APPLY

The Application Form and Guidelines are available on the website at:
www.scp-ks.org/en/specialist-chambers/victims