

In: KSC-CA-2023-02
The Prosecutor v. Salih Mustafa

Before: A Panel of the Court of Appeals Chamber
Judge Michèle Picard
Judge Kai Ambos
Judge Nina Jørgensen

Registrar: Dr Fidelma Donlon

Filed by: Dr Anni Pues, Victims' Counsel

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**Victims' Counsel request for extension of time limit to file her response to the
Defence's Appeals Brief**

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Anni Pues

I. SUBMISSIONS

1. Pursuant to Rule 9(5) of the Rules of Procedure and Evidence¹, and like the recent request filed by the SPO to the same effect², Victims' Counsel hereby requests a two-week extension of the deadline for her response to the Appeals Brief filed on behalf of Mr. Mustafa.³
2. This request is timely given that the original Appeals Brief was notified on 24 April 2023, with a corrected version that includes an additional confidential annex (A03) subsequently notified on 3 May 2023. The request is also reasonable and proportionate given the length of the Appeals Brief, and bearing in mind that the Defence was granted two extensions of applicable time limits to prepare this filing⁴ resulting in 38 additional days to prepare the Appeals Brief.
3. Victims' Counsel joins the SPO in its position that there is also good cause for the requested extension, it will not prejudice the Defence, enable a focused and streamlined response and will ultimately facilitate the consideration of the appeal by the Appeals Panel.
4. In that respect Victims' Counsel also notes that the Appeals Brief contains over 50 legal and/or factual grounds of appeal, some of which address complex or novel issues before the court, a significant number of which also impact the participating victims' rights and personal interests as will be detailed in

¹ KSC-BD-03/Rev3/2020, 2 June 2020.

² KSC-CA-2023-02/F00022 (public) (SPO) *Prosecution request for extension of time to file its Brief in Response* (public), 1 May 2023.

³ KSC-CA-2023-02/F00021 (confidential) (Def) *Defence Appeal Brief pursuant to Rule 179(1) of [RPE] ("Rules") with confidential Annex 1 and 2*, 22 April 2023, a corrected version of which was filed on 2 May 2023 with an additional confidential annex (A03).

⁴ KSC-CA-2023-02/F00004 (public) (CA) *Decision on Defence Motion for Variation of Time Limit to File Notice of Appeal*, 9 January 2023 by which the deadline for the notice of appeal was extended by 17 days until 3 February 2023, and KSC-CA-2023-02/F00018 (public) (CA) *DeKSC-CA-2023-02/F00020 (public) (CA), Decision on Defence Motion for Variation of Time and Word Limits to File Appeal Brief*, 3 April 2023 by which the deadline for the filing of the Appeals Brief was extended by 21 days until 24 April 2023.

Victims' Counsel's response. The two extensions of the time limits sought by the Defense and granted by the Appeals Panel also militate in favour of the present request, as well as the benefit enjoyed by the Defense of more than five weeks of additional preparatory time.

5. Finally, Victims' Counsel also echoes the SPO's position that "unstructured, unclear and unsubstantiated submissions in the Appeal Brief – which in some cases depart from the notified grounds" add further difficulty to the [...] task in identifying the points at issue and filing focused, clear and substantiated submissions in response."⁵ This applies equally to the work required of Victims' Counsel in those areas of the Appeals Brief which impact the rights and personal interests of the participating victims.

Word count: 510



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4 May 2023

At The Hague, the Netherlands

⁵ KSC-CA-2023-02/F00022 (public) (SPO) *Prosecution request for extension of time to file its Brief in Response* (public), 1 May 2023.