



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**File number:** KSC-CA-2023-02

**Before:** The President of the Specialist Chambers  
Judge Ekaterina Trendafilova

**Registrar:** Fidelma Donlon

**Date:** 31 July 2024

**Language:** English

**Classification:** Public

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## Decision Assigning a Court of Appeals Panel

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**Judges of the Court of Appeals Panel:**

Judge Michèle Picard

Judge Kai Ambos

Judge Nina Jørgensen

**Specialist Prosecutor's Office:**

Kimberly P. West

**Counsel for Salih Mustafa:**

Julius von Boné

**Victims' Counsel:**

Anni Pues

**THE PRESIDENT** of the Specialist Chambers (“President”), noting Articles 33(1)(c) and 46 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office, Rules 172, 173(1) and 194(1)(b) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers and Rules 3 and 4 of the Rules on Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Court of Appeals Panel for a new determination of Mr Salih Mustafa’s (“Mr Mustafa”) sentence in accordance with the “Decision on Salih Mustafa’s Request for Protection of Legality” (“PoL Decision”).<sup>1</sup>

## I. PROCEDURAL BACKGROUND

1. On 16 December 2022, Trial Panel I rendered the “Trial Judgment” (“Trial Judgment”), wherein it, *inter alia*, convicted Mr Mustafa of the war crimes of arbitrary detention, torture and murder and acquitted him of the war crime of cruel treatment.<sup>2</sup> The Trial Panel sentenced Mr Mustafa to twenty-six years of imprisonment.<sup>3</sup>
2. On 14 December 2023, the Court of Appeals Panel issued the “Appeal Judgment” (“Appeal Judgment”) wherein it affirmed Mr Mustafa’s convictions for arbitrary detention, torture and murder as war crimes, but granted Mr Mustafa’s appeal, in part, against his sentence.<sup>4</sup> To that end, the Court of Appeals Panel reduced Mr Mustafa’s sentence to 22 years of imprisonment, with credit for time served.<sup>5</sup>
3. On 14 March 2024, Mr Mustafa filed the “Defence Request for Protection of Legality with Confidential Annex 1 and 2 pursuant to Article 48(6) to (8) of the Law and Rule 193 of the Rules” (“Request”).<sup>6</sup>

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<sup>1</sup> KSC-SC-2024-02/F000018, Decision on Salih Mustafa’s Request for Protection of Legality, 29 July 2024.

<sup>2</sup> KSC-BC-2020-05/F00494, Trial Judgment, filed 16 December 2022 (confidential), para. 831. A corrected version was filed on 24 January 2023 and a public redacted version on 8 June 2023.

4. On 29 July 2024, the Supreme Court Panel issued the PoL Decision on Mr Mustafa's Request. The Supreme Court Panel, *inter alia*, "d) [a]nnul[ed] the Appeal Judgment only insofar as it relates to Mr Mustafa's sentence [and] e) return[ed][it][...] for a new determination of [his] sentence pursuant to Rule 194(1)(b) of the Rules".<sup>7</sup>

## II. ASSIGNMENT

5. Having considered the criteria set forth in Rule 4(2) of the Rules on Assignment, including relevant experience and expertise as well as availability at this time,

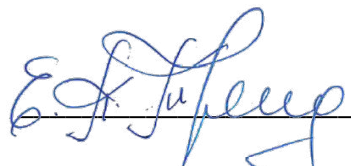
### THE PRESIDENT HEREBY ASSIGNS:

**Judge Michèle Picard**

**Judge Kai Ambos**

**Judge Nina Jørgensen**

to the Court of Appeals Panel for a new determination of Mr Mustafa's sentence in accordance with the PoL Decision, and to decide as necessary on any related matter.



**Judge Ekaterina Trendafilova,**

**President of the Specialist Chambers**

Dated this Wednesday, 31 July 2024

At The Hague,  
The Netherlands

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<sup>3</sup> Trial Judgment,, para. 831.

<sup>4</sup> KSC-CA-2023-02/F00038, Appeal Judgment, 14 December 2023 (confidential), para. 484. A public redacted version of the Appeal Judgment was issued on the same day (KSC-CA-2023-02/F00038/RED).

<sup>5</sup> Appeal Judgment, para. 484.

<sup>6</sup> KSC-SC-2024-02/F00011, Defence Request for Protection of Legality with Confidential Annex 1 and 2 pursuant to Article 48 (6) to (8) of the Law and Rule 193 of the Rules, 14 March 2024.

<sup>7</sup> PoL Decision, para. 112.