



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-05/R001
The Specialist Prosecutor v. Salih Mustafa

Before: Single Judge Panel
Judge Gilbert Bitti

Registrar: Fidelma Donlon

Date: 21 February 2025

Language: English

Classification: Public

Order for Submissions on the Reclassification of Filings

To be notified to:

Victims' Counsel
Anni Pues

Registry
Fidelma Donlon

Counsel for Salih Mustafa
Julius von Bóné

THE SINGLE JUDGE¹ hereby renders this Order for Submissions on the Reclassification of Filings.

I. PROCEDURAL BACKGROUND

1. On 6 April 2023, Trial Panel I (Panel) issued a reparation order against Salih Mustafa (Reparation Order).² The Reparation Order was not appealed either by Counsel for Salih Mustafa (Defence and Mr Mustafa, respectively) or by Victims' Counsel.

2. On 14 December 2023, a Panel of the Court of Appeals confirmed all convictions which form the basis of the Reparation Order.³

3. On 17 January 2024, the President of the Specialist Chambers (SC) assigned Judge Gilbert Bitti as Single Judge to oversee the implementation of the Reparation Order.⁴

4. On 25 March 2024, the Single Judge issued the Decision on Victims' Counsel's Request to Set a Date for the Payment of Reparations and other Matters (Decision on Payment of Reparations), *inter alia* addressing the issue of Mr Mustafa's indigence assessment.⁵

¹ KSC-BC-2020-05/R001, F00002, President of the Specialist Chambers, [Decision Assigning a Single Judge](#), 17 January 2024, public; F00024, President, *Decision Assigning a Single Judge*, 18 February 2025, public.

² KSC-BC-2020-05, F00517, Trial Panel I, *Reparation Order against Salih Mustafa*, 6 April 2023, confidential, paras 250-252, 283, with Annexes 1-4, strictly confidential and *ex parte*. A corrected public redacted version of the Reparation Order was issued on 14 April 2023, [F00517/RED/COR](#).

³ KSC-CA-2023-02, F00038/RED, Court of Appeals Panel, [Public Redacted Version of Appeal Judgment](#), 14 December 2023, public, para. 481.

⁴ See footnote 1 above.

⁵ KSC-BC-2020-05/R001, F00012, Single Judge, *Decision on Victims' Counsel's Request to Set a Date for the Payment of Reparations and other Matters*, 25 March 2024, confidential and *ex parte*. A confidential redacted version and a confidential redacted and *ex parte* version were filed on the same day, F00012/CONF/RED and F00012/CONF/RED2. A public redacted version was filed on 22 July 2024, F00012/RED.

5. On 18 September 2024, following a request by the Registrar,⁶ the Single Judge issued the Decision on the Registrar's Request for Order to Mr Mustafa to Cooperate, ordering Mr Mustafa to fill out the Declaration of Means Form without delay, and varying the deadline for the Registrar to submit her report on Mr Mustafa's indigence assessment.⁷

6. On 18 February 2025, taking into consideration that there is a need for a Single Judge to continue to oversee the Reparation Order, the President of the Specialist Chambers (SC) assigned Judge Gilbert Bitti as Single Judge for a period of one year.⁸

II. APPLICABLE LAW

7. The Single Judge notes Article 23(1) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law) and Rules 80(1) and 82(3) and (5) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules).

III. DISCUSSION

8. First, the Single Judge notes that most of the litigation in relation to the implementation of the Reparation Order is not public. Secondly, the Single Judge notes that some of the filings in the case record have been filed on an *ex parte* basis, and therefore have not been distributed to one or more Parties. Therefore, in the interest of the publicity and fairness of proceedings, the Single Judge finds it necessary

⁶ KSC-BC-2020-05/R001, F00014, Registrar, *Registrar's Request for Order to Mr Mustafa to Cooperate for the Purposes of the Indigence Assessment*, 10 May 2024, confidential and *ex parte*, with two confidential and *ex parte* Annexes.

⁷ KSC-BC-2020-05/R001, F00018, Single Judge, *Decision on the Registrar's Request for Order to Mr Mustafa to Cooperate*, 18 September 2024, confidential and *ex parte*. A confidential redacted version was filed on the same day, F00018/CONF/RED.

⁸ See footnote 1 above.

to review the classification of certain filings.⁹ In doing so, the Single Judge has regard to, on the one hand, the principle of publicity and, on the other hand, his duty to provide for the protection of witnesses and victims, and confidential information, in accordance with Article 23(1) of the Law and Rule 80(1) of the Rules.

9. Therefore, the Single Judge orders the Registrar to submit, subject to paragraph 11 below, public and/or confidential (*ex parte*) redacted versions - as the case may be - of the following filings:

- KSC-BC-2020-05/R001/F00001, currently classified as strictly confidential and *ex parte*, for which no confidential redacted version for the benefit of Victims' Counsel has been filed;
- KSC-BC-2020-05/R001/F00014, currently classified as confidential and *ex parte*, for which a confidential redacted version has already been filed for the benefit of Mr Mustafa and Victims' Counsel;
- KSC-BC-2020-05/R001/F00016 (and its Annex 6, currently classified as confidential), currently classified as confidential and *ex parte*, for which confidential redacted versions of the core filing have already been filed for the benefit of Mr Mustafa and Victims' Counsel;¹⁰
- KSC-BC-2020-05/R001/F00017, currently classified as confidential and *ex parte*, for which no confidential redacted version has been filed for the benefit of Mr Mustafa;

⁹ See, similarly, KSC-BC-2023-05, F000492, Trial Panel I, [Order for submissions on the reclassification of filings and/or submission of public and/or confidential redacted versions of filings](#), 15 December 2022, public.

¹⁰ Two confidential and *ex parte* versions were filed on 3 June 2024, R001/F00016/CONF/RED and R001/F00016/CONF/RED2.

- KSC-BC-2020-05/R001/F00020, currently classified as confidential and *ex parte*, for which no confidential redacted version has been filed, either for the benefit of Mr Mustafa or the benefit of Victims' Counsel; and
- KSC-BC-2020-05/R001/F00022, currently classified as confidential and notified to both Mr Mustafa and Victims' Counsel.

10. Furthermore, the Single Judge orders Victims' Counsel to submit a confidential redacted version, and, subject to paragraph 11 below, a public redacted version, of filing KSC-BC-2020-05/R001/F00015.

11. Finally, should Victims' Counsel or the Registrar wish to retain the current classification of one or all the above-mentioned filings or are of the view that they cannot submit public or confidential redacted versions of any of the aforementioned filings, they shall make submissions pursuant to Rule 82(3) of the Rules, and indicate whether and when such classification may be changed and said redacted versions prepared.

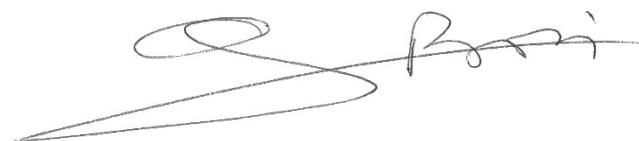
12. The Single Judge informs the Parties that (lesser) confidential and/or public redacted versions of the decisions and orders in the case file will be prepared after the submissions requested in this order.

IV. DISPOSITION

13. For the above-mentioned reasons, the Single Judge hereby:

- a. **ORDERS** Victims' Counsel to submit a confidential redacted version and, subject to paragraph 11 of the present order, a public redacted version of filing KSC-BC-2020-05/R001/F00015, currently classified as confidential and *ex parte*, at the latest by **Friday, 14 March 2025**; and

- b. **ORDERS** the Registrar to submit public redacted versions and/or confidential redacted versions, subject to paragraph 11 of the present order, of the filings listed and following the indications given in paragraph 9 above, at the latest by **Friday, 14 March 2025**; and
- c. **ORDERS** Victims' Counsel and the Registrar, should they wish to retain the current classification of one or all the filings mentioned in the present order, or are of the view that they cannot submit public or confidential redacted versions thereof, to make submissions pursuant to Rule 82(3) of the Rules at the latest by **Friday 14 March 2025**, and to indicate whether and when such classification may be changed and said redacted versions prepared.



Judge Gilbert Bitti
Single Judge

Dated this Friday, 21 February 2025

At The Hague, the Netherlands.