



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-CA-2023-02

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Dr Fidelma Donlon

Filed by: Dr Fidelma Donlon

Date: 31 May 2023

Language: English

Classification: Public

Public Redacted Version of Registry Report on Execution of Production Orders

with three strictly confidential and *ex parte* Annexes

Specialist Prosecutor's Office

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1. Pursuant to Rule 23(1) of the Rules¹ and Trial Panel I's Order,² the Registrar hereby informs the President of the Specialist Chambers on the service and execution of the Production Orders annexed to the Reparation Order entered against Mr Salih Mustafa ('Mr Mustafa').

I. PROCEDURAL HISTORY

2. On 16 December 2022, Trial Panel I ('the Panel') pronounced in open court the trial judgment against Mr Mustafa,³ convicting him of war crimes and sentencing him to 26 years of imprisonment ('Trial Judgment').⁴ The Panel indicated that it would subsequently issue a Reparation Order pursuant to Articles 22(8) and 44(6) of the Law,⁵ and retained, to that effect, the necessary jurisdiction.⁶

3. On 6 April 2023, the Panel pronounced the Reparation Order against Mr Mustafa.⁷ At the same time, the Panel rendered a Decision ordering the production of records and documents for the purpose of the enforcement of the Reparation Order ('Decision on Production of Records').⁸ More specifically, the Panel considered it necessary to request records and documents as follows:

a. [REDACTED];⁹

b. [REDACTED].¹⁰

4. The Panel ordered the Registry to serve the orders annexed to the Reparation Order ('Production Orders') on the respective recipients and report on the execution

¹ Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

² KSC-BC-2020-05, F00517/A01, Decision ordering the production of records and documents for the purposes of enforcement of the Reparation Order, 6 April 2023, strictly confidential and *ex parte*, para. 18(e).

³ Transcript (Public Session), 16 December 2022.

⁴ F00494, Trial Judgment, 16 December 2022, confidential (*see also* F00494/RED2/COR, 24 January 2023).

⁵ Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

⁶ Trial Judgment, paras 762, 831.

⁷ F00517, Reparation Order against Salih Mustafa, 6 April 2023, confidential, with 4 annexes strictly confidential and *ex parte* (*see also* F00517/RED/COR, 14 April 2023).

⁸ Decision on Production of Records, fn. 2 above.

⁹ *Idem*, paras 7, 18.

¹⁰ *Ibid*.

of the Production Orders to the judicial authority assigned with monitoring and overseeing the implementation and execution of the Reparation Order, within fourteen (14) days of execution thereof, or in case of lack of such execution within thirty (30) days from the date of service.¹¹

5. On 2 February 2023, Mr Mustafa filed a Notice of Appeal.¹²

6. On 2 May 2023, Mr Mustafa filed a corrected version of his Appeal Brief against the Trial Judgment.¹³

II. SUBMISSIONS

7. While noting the Trial Judgment against Mr Mustafa is not yet final, and is currently on appeal, the Registrar provides the following information regarding the service and execution of the Production Orders, in compliance with the Panel's instructions in the Decision on Production of Records.

8. The Registry served the Production Orders on the respective recipients, in English and Albanian, on 24 April 2023.¹⁴

9. Pursuant to the Production Orders, [REDACTED] conveyed information on 27 April, 12 May and 17 May 2023, respectively. The responses received are filed on the record in Annexes 1 – 3, together with the relevant translations.

¹¹ Idem, para. 18(d)-(e).

¹² KSC-CA-2023-02, F00006, Defence Notice of Appeal pursuant to Rule 176 (of Rules of Procedure and Evidence) against the Judgment of the Trial Panel I of 16 December 2022, 2 February 2022, confidential.

¹³ F00021/COR, Corrected Version of Defense Appeal Brief pursuant to Rule 179(1) of Rules of Procedure and Evidence ("Rules"), 2 May 2023, confidential, with confidential Annex 1, 2 and 3.

¹⁴ [REDACTED].

III. CLASSIFICATION

10. Pursuant to Rule 82(4) of the Rules, this submission and its annexes are filed as strictly confidential and *ex parte*.

Word count: 737

A handwritten signature in dark ink, appearing to read 'Fidelma Donlon', is written over a horizontal line.

Dr Fidelma Donlon

Registrar

Wednesday, 31 May 2023

At The Hague, the Netherlands