



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**File number:** KSC-CC-2025-29

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

**Date:** 24 April 2025

**Registrar:** Fidelma Donlon

**Language:** English

**Classification:** Public

---

**Decision to Assign Judges to a Constitutional Court Panel**

---

**Judges of the Constitutional Court Panel:**

Judge Vidar Stensland

Judge Roumen Nenkov

Judge Piotr Hofmański

**Specialist Prosecutor's Office:**

Kimberly P. West

**Counsel for Salih Mustafa:**

Julius von Bóné

**THE PRESIDENT** of the Specialist Chambers (“President”), noting Article 33(3) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 3 and 4(2) of the Rules on the Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Constitutional Court Panel to rule on the “Referral to the Constitutional Court Panel Concerning the Violations of Mr. Salih Mustafa’s Fundamental Rights Guaranteed under Article 33(3) of the Constitution of the Republic of Kosovo” (“Referral”).<sup>1</sup>

## I. PROCEDURAL BACKGROUND

1. On 16 December 2022, Trial Panel I rendered the “Trial Judgment”, wherein it, *inter alia*, convicted Mr Salih Mustafa (“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> Trial Panel I sentenced Mr Mustafa to 26 years of imprisonment, with credit for time served.<sup>3</sup>

2. On 14 December 2023, a Panel of the Court of Appeals Chamber rendered the “Appeal Judgment”, wherein it affirmed Mr Mustafa’s convictions for the war crimes of arbitrary detention, torture and murder, and granted, in part, his appeal in relation to his sentence.<sup>4</sup> More specifically, the Court of Appeals Panel reduced Mr Mustafa’s sentence to 22 years of imprisonment, with credit for time served.<sup>5</sup>

---

<sup>1</sup> KSC-BC-2025-29/F00001, Referral to the Constitutional Court Panel Concerning the Violations of Mr. Salih Mustafa’s Fundamental Rights Guaranteed under Article 33(3) of the Constitution of the Republic of Kosovo, 24 April 2025 (public), with Annex 1 (public).

<sup>2</sup> KSC-BC-2020-05/F00494, Trial Judgment, 16 December 2022 (confidential), para. 831. A corrected version was filed on 24 January 2023 and a public redacted version on 8 June 2023 (KSC-BC-2020-05/F00494/RED3/COR).

<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.

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”.<sup>6</sup>

4. On 29 July 2024, a Panel of the Supreme Court rendered the “Decision on Salih Mustafa’s Request for Protection of Legality”, wherein it, *inter alia*, annulled the Appeal Judgment insofar as it related to Mr Mustafa’s sentence, and returned it for a new determination of his sentence pursuant to Rule 194(1)(b) of the Rules.<sup>7</sup>

5. On 10 September 2024, the Court of Appeals Panel rendered the “Decision on New Determination of Salih Mustafa’s Sentence”, wherein it reduced Mr Mustafa’s sentence to 15 years of imprisonment, with credit for time served.<sup>8</sup>

6. On 9 December 2024, Mr Mustafa filed the “Defence Request for Protection of Legality pursuant to Article 48(6) to (8) of the Law and Rule 193 of the Rules”.<sup>9</sup>

7. On 25 February 2025, a Panel of the Supreme Court rendered the “Decision on Mustafa’s and Specialist Prosecutor’s Requests for Protection of Legality”, wherein it, *inter alia*, dismissed Mr Mustafa’s request in its entirety.<sup>10</sup>

8. On 24 April 2025, Mr Mustafa filed the Referral.

## II. ASSIGNMENT

9. Pursuant to Article 33(3) of the Law, upon a referral to the Specialist Chamber of the Constitutional Court (“SCCC”), the President shall assign the three Judges of the

---

<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 (public), with Annexes 1-2 (confidential).

<sup>7</sup> KSC-SC-2024-02/F000018, Decision on Salih Mustafa’s Request for Protection of Legality, 29 July 2024 (public), para. 112.

<sup>8</sup> KSC-CA-2023-02/F00045, Decision on New Determination of Salih Mustafa’s Sentence, 10 September 2024 (public), para. 28.

<sup>9</sup> KSC-SC-2024-03/F00001, Defence Request for Protection of Legality pursuant to Article 48(6) to (8) of the Law and Rule 193 of the Rules, 9 December 2024 (public), with Annex 1 (public).

<sup>10</sup> KSC-SC-2024-03/F00006, Decision on Mustafa’s and Specialist Prosecutor’s Requests for Protection of Legality, 25 February 2025 (public), para. 64.

SCCC. The President has been assured, in accordance with Rule 4(2) of the Rules on Assignment, of the availability for assignment of the three Judges of the SCCC.

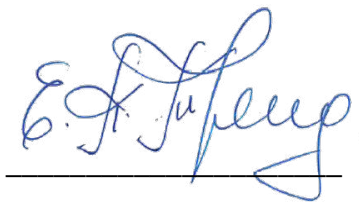
**FOR THESE REASONS, THE PRESIDENT HEREBY ASSIGNS**

**Judge Vidar Stensland**

**Judge Roumen Nenkov**

**Judge Piotr Hofmański**

to the Constitutional Court Panel to rule on the Referral.



**Judge Ekaterina Trendafilova**

**President of the Specialist Chambers**

Dated this Thursday, 24 April 2025  
At The Hague, the Netherlands