



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: 3 July 2025

Language: English

Classification: **Public**

Order for the Submission of Public and Confidential Redacted Versions of Filings

To be notified to:

Registry
Fidelma Donlon

Victims' Counsel
Anni Pues

Counsel for Salih Mustafa
Julius von Bóné

THE SINGLE JUDGE¹ hereby renders this Order for the Submission of Public and Confidential Redacted Versions of Filings.

I. PROCEDURAL BACKGROUND

1. On 6 April 2023, after convicting Salih Mustafa (Mr Mustafa) for war crimes,² Trial Panel I (Panel) issued a reparation order against him (Reparation Order).³ The Reparation Order was not appealed by either Mr Mustafa 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.⁴
3. On 25 March 2024, pursuant to a request by Victims' Counsel,⁵ the Single Judge issued the Decision on Victims' Counsel's Request to Set a Date for the Payment of Reparations and other Matters, addressing, *inter alia*, the issue of Mr Mustafa's indigence assessment, and ordering the Registrar to submit a report on the matter within two (2) months of the issuance of said decision.⁶

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

² KSC-BC-2020-05, F00494, Trial Panel I, *Trial Judgment*, 16 December 2022, confidential, para. 831. A public redacted version was issued on 8 June 2023, [F00494/RED3/COR](#).

³ 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](#).

⁴ KSC-CA-2023-02, F00038/RED, Court of Appeals Panel, [Public Redacted Version of Appeal Judgment](#), 14 December 2023, public, para. 481.

⁵ KSC-BC-2020-05/R001, F00003, Victims' Counsel, *Request to Set a Date for Payment of Reparations*, 19 January 2024, confidential. A public redacted version was filed on 26 February 2024, F00003/RED.

⁶ 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*, paras 56-61, 66(m), with Annexes 1-3, strictly 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](#).

4. On 18 September 2024, pursuant to a request by the Registrar,⁷ the Single Judge issued the Decision on the Registrar's Request for Order to Mr Mustafa to Cooperate, ordering Mr Mustafa to fill out, without delay, the declaration of means form for the purpose of the indigence assessment, and varying the deadline for the Registrar to submit her report on Mr Mustafa's indigence assessment.⁸

5. On 21 February 2025, the Single Judge issued the Order for Submissions on the Reclassification of Filings, *inter alia* ordering the Registrar to submit, by 14 March 2025, public and/or confidential redacted versions, as the case may be, of a number of filings concerning litigation in connection to the implementation of the Reparation Order or, should she wish to retain the classification of (some of) the filings in question, to make submissions pursuant to Rule 82(3) of the Rules (Order of 21 February 2025).⁹

6. On 14 March 2025, the Registrar submitted that, considering the classification of a number of filings which prominently feature therein, no meaningful public redacted version of KSC-BC-2020-05/R001/F00020 could be filed at that time.¹⁰

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).

⁷ 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 Annexes 1-2, confidential and *ex parte*. A public redacted version was filed on 14 March 2025, F00014/RED.

⁸ 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*, paras 8, 10, 13(a), (f). A confidential redacted version was filed on the same day, F00018/CONF/RED. A public redacted version was filed on 15 April 2025, F00018/RED.

⁹ KSC-BC-2020-05/R001, F00025, Single Judge, *Order for Submissions on the Reclassification of Filings*, 21 February 2025, public, paras 9, 11, 13(b)-(c).

¹⁰ KSC-BC-2020-05/R001, F00027, Registrar, *Submission pursuant to F00025*, 14 March 2025, public, para. 1.

III. DISCUSSION

8. First, the Single Judge notes that, pursuant to his Order of 25 February 2025, some of the filings referenced therein were reclassified as public, while public and/or confidential redacted versions of the remaining relevant filings were issued. However, the Single Judge likewise observes that some aspects of the litigation in relation to the implementation of the Reparation Order have not been made public yet, and recent filings in the case record have been filed as strictly confidential and *ex parte* and, as such, have not been distributed to the Parties. Thus, in the interest of the publicity and fairness of proceedings, the Single Judge finds it necessary to order the submission of public and confidential (*ex parte*) redacted versions of certain filings. 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 pursuant to Article 23(1) of the Law and Rule 80(1) of the Rules.

9. Therefore, and noting that the reasons advanced in the Registrar's submissions of 14 March 2025 no longer subsist,¹¹ as public redacted versions of the filings featured therein have since been issued, the Single Judge orders the Registrar to submit a public redacted version of KSC-BC-2020-05/R001/F00020, currently classified as confidential and *ex parte*, and for which confidential redacted versions have since been filed for the benefit of both Mr Mustafa and Victims' Counsel.

10. Furthermore, the Single Judge orders the Registrar to submit confidential (*ex parte*) redacted versions of KSC-BC-2020-05/R001/F00026, currently classified as strictly confidential and *ex parte*, for which no confidential (*ex parte*) redacted version has been filed for the benefit of either Mr Mustafa or Victims' Counsel.

11. In this regard, should the Registrar be of the view that public and confidential (*ex parte*) redacted versions of the aforementioned filings cannot be issued at this time,

¹¹ See above, para. 6.

she shall make submissions pursuant to Rule 82(3) of the Rules and indicate whether and when said redacted versions may be prepared.

12. The Single Judge likewise informs the Parties and the Registrar that a public redacted version of KSC-BC-2020-05/R001/F00023 will be prepared and filed after the submission of the public and confidential (*ex parte*) versions of the above-mentioned filings.

13. Thereafter, the Registrar is ordered to submit, within a week of that filing, public and confidential (*ex parte*) redacted versions of KSC-BC-2020-05/R001/F00026, which will allow the Single Judge to issue public and confidential (*ex parte*) redacted versions of KSC-BC-2020-05/R001/F00028. The Registrar is further ordered to submit, within a week of the filing of the public and confidential (*ex parte*) redacted versions of KSC-BC-2020-05/R001/F00028, public and confidential (*ex parte*) redacted versions of KSC-BC-2020-05/R001/F00029. Alternatively, the Registrar may, within the same deadlines, proceed in accordance with paragraph 11 above.

IV. DISPOSITION

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

- a. **ORDERS** the Registrar to submit the public and confidential (*ex parte*) redacted versions of the filings mentioned in this order, as set forth in paragraphs 9 and 10 above, no later than **Thursday, 10 July 2025**;
- b. **ORDERS** the Registrar, should she be of the view that public and confidential (*ex parte*) redacted versions of the filings mentioned in paragraphs 9 and 10 above cannot be issued at this time, to make submissions pursuant to Rule 82(3) of the Rules no later than **Thursday, 10 July 2025**, and to indicate whether and when said redacted versions may be prepared; and

- c. **ORDERS** the Registrar to proceed in accordance with paragraph 13 of the present decision.

A handwritten signature in black ink, appearing to read 'Bitti', with a large, stylized flourish extending to the left.

Judge Gilbert Bitti
Single Judge

Dated this Thursday, 3 July 2025

At The Hague, the Netherlands.