

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

**Before:** The Single Judge Panel  
Judge Gilbert Biti

**Registrar:** Fidelma Donlon

**Filing Participant:** Specialist Counsel for Salih Mustafa

**Date:** 23 July 2025

**Language:** English

**Classification:** Public

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**Mustafa's Application for Leave to Appeal through Certification  
from Decision KSC-BC-2020-05/R001/F00032**

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**Registry:**  
Fidelma Donlon

**Specialist Counsel  
for Salih Mustafa:**  
Julius von Bóné

**Counsel for Victims:**  
Anni Pues

## I. INTRODUCTION

1. On 16 July 2025 the single judge panel issued a Decision on the Payment of Interest by Salih Mustafa in relation to Reparations.<sup>1</sup>

## II. PROCEDURAL BACKGROUND

2. On 6 April 2023, after convicting Salih Mustafa (Mr Mustafa) for war crimes,<sup>2</sup> the Trial Panel I issued a reparation order against him, directing the payment of a total sum of 207,000 EUR to eight (8) victims as compensation for the harm inflicted by the crimes for which he was convicted (Reparation Order).<sup>3</sup>
3. On 14 December 2023, a Panel of the Court of Appeals Chamber confirmed all convictions which form the basis of the Reparation Order.<sup>4</sup>
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).<sup>5</sup> Finding that the Reparation Order, which had become final, was immediately enforceable, the Single Judge also addressed, inter alia, the issue of the interest rate on reparations, (i) ordering the Registrar to request information from the Kosovo Ministry of

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<sup>1</sup> KSC-BC-2020-05/R001/F00032, 16 July 2025. Decision on the payment of interest by Salih Mustafa in relation to reparations.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> KSC-CA-2023-02, F00038/RED, Court of Appeals Panel, *Public Redacted Version of Appeal Judgment*, 14 December 2023, public, para. 481.

<sup>5</sup> 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*, 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.

Justice as to the applicable law and practice of Kosovo courts on: (a) the interest rate to be applied in cases of reparation awards for damages based on a final criminal conviction, and (b) when interest would start to accrue in such cases before Kosovo courts; and, as such, (ii) deferring a decision on this issue.<sup>6</sup>

5. On 28 of February 2025 the Registrar reported on the issue referred to above.<sup>7</sup> In paragraph 14 the Registrar reported that it had not received further responses from the Kosovo Ministry of Finance at the date of filing.
6. The Single Judge in his Decision, in paragraphs 15 and 16 that the aspect regarding the interest rate to be applied in cases of reparation awards for damages based on final criminal conviction, that the Kosovo Law of Obligations on 20 December 2012 the interest rate was established at 8% per annum and further that the Kosovo Law on Obligations provides for statutes of limitations for compensation claims from respectively the date the injured party became aware of the harm and the person that caused it, or, from the time the harm was caused.<sup>8</sup>
7. In the disposition of the Decision of the Single Judge, the Single Judge informs Salih Mustafa that an interest rate of 8% per annum shall start to accrue on the part of the Reparation Order which has not yet been executed as of the date on which the present Decision is notified to him.<sup>9</sup>

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<sup>6</sup> Decision on Payment of Reparations, paras 28-29, 52, 66(a), (o).

<sup>7</sup> Registrar's Report on Execution of the Decision and Orders related to Reparations (F00023) with five strictly confidential and *ex parte* annexes, 28 February 2025, KSC-BC-2020-05/R001/F00026

<sup>8</sup> KSC-BC-2020-05/R001/F00032, 16 July 2025. Decision on the payment of interest by Salih Mustafa in relation to reparations. Paragraph 15 and 16.

<sup>9</sup> Ibid, paragraph 31.

### III. SUBMISSIONS

8. Mustafa seeks leave to Appeal through Certification from the present Decision KSC-BC-2020-05/R001/F00032.
9. The Single Judge has considered that the Reparation Order has not been implemented in full and it remains uncertain if and when this will occur.
10. The Single Judge further observed that the law and the rules of procedure and evidence before the Kosovo Specialist Chambers are silent on both the questioned of the rate of interest to be applied and the point at which that interest starts to accrue.
11. In addition, the Single Judge observed that the Kosovo Law on Obligation is not expressly incorporated and applied by the Law of the Specialist Chambers and that, as such, the Specialist Chambers are not bound to adjudicate in accordance with it.<sup>10</sup>
12. Pursuant to Article 45 of the Law on the Specialist Chambers, Mustafa submits that the present Decision involves a(n) (number of) issue(s) that significantly affects that fair and expeditious conduct of proceedings or the outcome of the trial and for which an (immediate) resolution by the Court of Appeals is necessary and can materially advance proceedings.
13. Mustafa submits that the present Decision is not compliant as to Article 3 of the Law on Specialist Chambers (Law no.5/L-053). Furthermore, Mustafa submits that the present Decision is not compliant to Article 22 (2) (3), Article 31 (2), Article 32 of the Constitution as well as the principle of legality, i.e. that any punishment or measure imposed upon one must be based on the law.

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<sup>10</sup> Ibid. paragraph 18 and 19, also referring to Article 3 (2) (c) of the Law.

14. To this effect, Mustafa objects to the Decision regarding the interest to be paid, the rate of interest that is to be calculated, and the point in time at which the interest start to accrue, as well as how it shall be calculated for each victim. Each of these identified issues significantly affect the fair and expeditious conduct of proceedings or the outcome of the trial and for which an (immediate) resolution by the Court of Appeals is necessary and can materially advance proceedings.

**For the foregoing reasons:**

15. Mustafa seeks leave to Appeal through Certification from the present Decision KSC-BC-2020-05/R001/F00032.
16. Requests that the concerned Appeals Panel will set a timeline within which Mustafa can make further submissions on his appeal.

**Word count: 1117**

**23 July 2025**

**At The Hague, the Netherlands**



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**Julius von Bóné**

**Specialist Defence Counsel**