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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:	8 May 2025
Language:	English
Classification:	**Public**

Public Redacted Version of Decision pursuant to the Registrar's Report on Execution of the Decision and Orders related to Reparations (R001/F00026)

To be notified to:

Registry
Fidelma Donlon

Victims' Counsel
Anni Pues

Counsel for Salih Mustafa
Julius von Bóné

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THE SINGLE JUDGE[1] hereby renders this decision pursuant to the Registrar's Report on Execution of the Decision and Orders related to Reparations.

I. PROCEDURAL BACKGROUND

1. On 4 December 2020, the Pre-Trial Judge issued, at the request of the Specialist Prosecutor's Office (SPO),[2] [REDACTED] of Salih Mustafa (Mr Mustafa and [REDACTED], respectively).[3] Pursuant to [REDACTED], [REDACTED] held by Mr Mustafa were [REDACTED], namely [REDACTED], and [REDACTED] (together, [REDACTED]).[4]

2. On 6 April 2023, after convicting Mr Mustafa for war crimes,[5] 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).[6] The Reparation Order was not appealed either by Mr Mustafa or by Victims' Counsel.

3. On 14 December 2023, a Panel of the Court of Appeals Chamber confirmed all convictions which form the basis of the Reparation Order.[7]

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[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] [REDACTED].
[3] [REDACTED].
[4] [REDACTED].
[5] 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.
[6] 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.
[7] KSC-CA-2023-02, F00038/RED, Court of Appeals Panel, *Public Redacted Version of Appeal Judgment*, 14 December 2023, public, para. 481.

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4. On 25 March 2024, pursuant to a request by Victims' Counsel,[8] 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) 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 the Decision on Payment of Reparations.[9]

5. On 18 September 2024, pursuant to a request by the Registrar,[10] 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.[11]

6. On 16 December 2024, pursuant to a request by the Registrar,[12] the Single Judge issued the Decision on Salih Mustafa's Refusal to Comply with his Obligations Pursuant to the Reparation Order and on the Registrar's Request for Orders to [REDACTED] for the Purpose of the Indigence Assessment, together with five orders for obtaining additional information necessary for Mr Mustafa's indigence assessment

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[8] 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.

[9] 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 57-61, 66(m). 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.

[10] 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*.

[11] 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.

[12] KSC-BC-2020-05/R001, F00020, Registrar, *Registrar's Request for Orders to [REDACTED] for the Purpose of the Indigence Assessment,* 10 October 2024, confidential and *ex parte,* with Annex 1, confidential and *ex parte.*

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to [REDACTED], namely [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] (Decision Issuing Orders to [REDACTED]s).[13] The Single Judge also varied, *proprio motu*, the time limit for submission of the Registrar's report on Mr Mustafa's indigence assessment.[14]

7. On 28 February 2025, the Registrar submitted her report on the execution of the Decision Issuing Orders to [REDACTED] (Registrar's Report).[15]

II. APPLICABLE LAW

8. The Single Judge notes Articles 34(1), 44(6), and 53(1)(g) and (l), (2) and (4) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law), as well as Rules 9(5)(a), 49(1), 76, 198, 200, 202 and 204 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules).

9. In particular, Rule 204(1) of the Rules states that: "[I]f after thirty days of service of an order under Rule 202 or Rule 203, the competent authority in Kosovo has failed to comply with the order or has failed to show that adequate steps have been or are being taken to comply with the order, the Panel may make a judicial finding of non-cooperation".

III. DISCUSSION

A. SUBMISSIONS

[13] KSC-BC-2020-05/R001, F00023, Single Judge, *Decision on Salih Mustafa's Refusal to Comply with his Obligations Pursuant to the Reparation Order and on the Registrar's Request for Orders to [REDACTED] for the Purpose of the Indigence Assessment*, 16 December 2024, confidential and *ex parte*, with Annexes 1-5, strictly confidential and *ex parte*.
[14] Decision Issuing Orders to [REDACTED], paras 18, 23(j).
[15] KSC-BC-2020-05/R001, F00026, Registrar, *Registrar's Report on Execution of the Decision and Orders Related to Reparations (F00023)*, 28 February 2025, strictly confidential and *ex parte*, with Annexes 1-5, strictly confidential and *ex parte*.

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10. First, as regards the Single Judge's order to [REDACTED], the Registrar reports that, on 27 December 2024, [REDACTED] confirmed that [REDACTED] was [REDACTED], and that [REDACTED].[16]

11. Second, as regards the Single Judge's order to [REDACTED], the Registrar reports that, on 31 January 2025, [REDACTED] confirmed that [REDACTED] was [REDACTED] and that, pursuant to [REDACTED], [REDACTED]. According to the Registrar, [REDACTED] also informed that, [REDACTED], [REDACTED].[17] The Registrar also reported that, on 3 and 4 February 2025, having been contacted by [REDACTED], [REDACTED] provided the Registry with a copy of [REDACTED], and requested [REDACTED].[18]

12. Third, as regards the Single Judge's order to [REDACTED], the Registrar reports that, on 30 December 2024, [REDACTED] confirmed that [REDACTED].[19]

13. Fourth, as regards the Single Judge's orders to [REDACTED] and [REDACTED], the Registrar reports that, while the orders were duly transmitted and received, by the date of filing of the Registrar's Report, no responses had been received from [REDACTED].[20]

14. Lastly, in consideration of the outstanding responses from [REDACTED] and [REDACTED], and with a view to completing the assessment of Mr Mustafa's indigence and submitting a comprehensive report on the respective matter, the

[16] Registrar's Report, para. 6; Annex 1 to Registrar's Report. While the Registrar's Report refers to the date of 27 December 2025, the Single Judge understands this to be an inadvertent error, and to refer instead to 27 December 2024.
[17] Registrar's Report, paras 7-8; Annex 2 to the Registrar's Report.
[18] Registrar's Report, paras 9-11; Annexes 2, 3, 5 to the Registrar's Report.
[19] Registrar's Report, para. 12; Annex 4 to the Registrar's Report. While the Registrar's Report refers to the date of 30 December 2025, the Single Judge understands this to be an inadvertent error, and to refer instead to 30 December 2024.
[20] Registrar's Report, paras 13-14.

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Registrar requests the Single Judge to vary the time limit for the submission of the report.[21]

B. DETERMINATION

1. [REDACTED]

15. At the outset, the Single Judge notes that, pursuant to the Reparation Order, [REDACTED] represent a potential source of assets to be used for a partial execution thereof on a *pro rata* basis for the benefit of the victims.[22] In this regard, the Reparation Order also underlined that, bearing in mind the rights of Mr Mustafa or those of *bona fide* third parties, the judicial authority assigned to oversee its execution will be in a position to decide whether to order payment from [REDACTED] and, for that purpose, to [REDACTED].[23] Accordingly, in the Decision on Payment of Reparations, having determined that [REDACTED] were not vital to [REDACTED], the Single Judge found that [REDACTED] can, subject to the rights of *bona fide* third parties, be used in full for the (partial) enforcement of the Reparation Order.[24]

16. *[REDACTED].* As regards [REDACTED], the Single Judge recalls that, in the Decision on Payment of Reparations he, *inter alia*, ordered [REDACTED], for the (partial) enforcement of the Reparation Order.[25] In this regard, the Single Judge further observes that: (i) the execution of his order only allowed the partial payment of the awards for reparation contained in the Reparation Order which, to date, remains to be fully executed; (ii) since the Decision on Payment of Reparations, [REDACTED]; and

[21] Registrar's Report, para. 15.
[22] Reparation Order, para. 255 and footnote 464. *See also* Decision on Payment of Reparations, para. 39.
[23] Reparation Order, para. 257. *See also* Decision on Payment of Reparations, para. 39.
[24] Decision on Payment of Reparations, para. 41.
[25] Decision on Payment of Reparations, paras 42, 66(c)-(e). *See also* Annex 1 to Decision on Payment of Reparations.

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(iii) [REDACTED].[26] Accordingly, and further recalling that the issue of the rights of *bona fide* third parties does not appear to arise anymore in relation to [REDACTED],[27] the Single Judge decides that [REDACTED], for a further (partial) enforcement of the Reparation Order. Therefore, the Single Judge decides to [REDACTED]. Thereafter, [REDACTED].

17. *[REDACTED]*. As regards [REDACTED], the Single Judge recalls that, in the Decision on Payment of Reparations, he, *inter alia*, ordered that [REDACTED].[28] When [REDACTED], the Single Judge considered that [REDACTED], namely [REDACTED].[29] In this regard, the Single Judge notes that, following notification by the Registrar pursuant to the Decision on Payment of Reparations,[30] [REDACTED] requests [REDACTED] and provides a copy of [REDACTED].[31] The Single Judge further observes that, in the documents provided to the Registry, [REDACTED] also indicates that, [REDACTED].[32] In this regard, [REDACTED] likewise provides a copy of [REDACTED].[33]

18. In this context, the Single Judge recalls that, while ensuring the full enforcement of the Reparation Order, he is duty-bound to respect the rights of *bona fide* third parties pursuant to Article 53(4) of the Law.[34] Therefore, the Single Judge decides that [REDACTED].

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[26] Decision on Payment of Reparations, para. 42; Registrar's Report, para. 6; Annex 1 to Registrar's Report.
[27] Decision on Payment of Reparations, paras 36, 42.
[28] Decision on Payment of Reparations, paras 43, 66(g)-(i). *See also* Annex 2 to Decision on Payment of Reparations.
[29] Decision on Payment of Reparations, para. 43 and footnote 52.
[30] Decision on Payment of Reparations, para 44.
[31] Registrar's Report, paras 9-11; Annexes 2, 3, 5 to Registrar's Report.
[32] Annex 5 to Registrar's Report, p. 3.
[33] Annex 5 to Registrar's Report, p. 17.
[34] Reparation Order, para. 257; Decision on Payment of Reparations, para. 39.

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19. However, as regards [REDACTED] invoked by [REDACTED], the Single Judge notes that, as evidenced by the documents submitted to the Registry, (i) [REDACTED];[35] and (ii) [REDACTED].[36] Accordingly, the Single Judge finds that [REDACTED]. Moreover, the Single Judge observes that [REDACTED], and that, [REDACTED].

20. Thus, the Single Judge decides that, after [REDACTED] as ordered in paragraph 18 above, [REDACTED] for a further (partial) enforcement of the Reparation Order. Mindful that, as a result, [REDACTED], and also considering that, [REDACTED], the Single Judge decides [REDACTED]: (i) [REDACTED]; and (ii) [REDACTED]. Thereafter, [REDACTED].

21. *Third Party Notification*. Further to the above, the Single Judge decides that, when executing the present decision, the Registrar shall duly inform [REDACTED] of the Single Judge's findings, as set out in paragraphs 18 and 19 of this decision.

22. *Modalities of Payment to Victims.* As to the modalities of payment to the victims, the Single Judge finds that, once the funds have been received by the Registrar, who is in charge of the implementation of the Reparation Order,[37] she shall consult with Victims' Counsel as to the most efficient manner to deliver the funds allocated to each victim, on a *pro rata* basis, in accordance with the Reparation Order, while also taking into consideration [REDACTED] has waived the right to any payment.[38]

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[35] Annex 5 to Registrar's Report, p. 17.
[36] Annex 5 to Registrar's Report, pp. 10-12, 15-16.
[37] Reparation Order, para. 283(i)
[38] *See* Decision on Payment of Reparations, para. 45. KSC-BC-2020-05/R001, F00019, Single Judge, *Decision on the "VC Notification of waiver of reparations payments [REDACTED]"*, 18 September 2024, confidential and *ex parte*. A confidential redacted version, F00019/CONF/RED, and a public redacted version, F00019/RED, were filed on 3 April 2025.

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2. Outstanding Records and Documents

23. *[REDACTED].* As regards the Single Judge's order to *[REDACTED]*, issued pursuant to the Decision Issuing Orders to [REDACTED], the Single Judge notes that [REDACTED] has only partially responded thereto.[39] Specifically, the Single Judge is of the view that [REDACTED] failed to indicate [REDACTED]. Accordingly, recalling that all Kosovo authorities shall comply without undue delay with orders of the SC, the Single Judge orders [REDACTED] to provide the outstanding records and documents to the Registrar, as specified in the annexed order.

24. *[REDACTED].* As regards the Single Judge's orders to [REDACTED] and [REDACTED], issued pursuant to the Decision Issuing Orders to [REDACTED],[40] the Single Judge notes that, in the absence of any responses thereto, [REDACTED] failed to provide the information according to the Single Judge's orders, and likewise failed to inform whether adequate steps had been or were being taken to comply with the orders. Thus, the Single Judge orders [REDACTED] and [REDACTED] to comply with the previous orders, and to provide the Registrar with the outstanding records and documents, as reiterated in the orders annexed to the present decision. The Single Judge recalls in this regard that, in accordance with Article 53(2) of the Law, [REDACTED] and [REDACTED] are duty bound to comply, without undue delay, with the orders of the SC. Failing to do so may lead to a judicial finding of non-cooperation pursuant to Rule 204 of the Rules, of which the President of the SC shall be informed accordingly.

3. Registrar's Report

25. As regards the Registrar's request for a variation of the time limit to submit her report on the assessment of Mr Mustafa's indigence, the Single Judge notes that the

[39] Annex 4 to Decision Issuing Orders to [REDACTED].
[40] Annexes 3 and 5 to Decision Issuing Orders to [REDACTED].

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Registrar submitted her request on the same day that said report was due, namely 28 February 2025. Therefore, the Single Judge is of the view that the Registrar did not submit her request sufficiently in advance to enable him to rule on it before the expiry of the time limit, within the meaning of Rule 76 of the Rules. Accordingly, the Single Judge can no longer vary said time limit pursuant to Rule 9(5)(a) of the Rules. Rather, mindful that the outstanding responses from [REDACTED] and [REDACTED] have impeded the Registrar from completing her report,[41] the Single Judge decides to set a new deadline for the submission thereof. Therefore, the Single Judge orders the Registry to submit a comprehensive report on the assessment of Mr Mustafa's indigence by no later than **Friday, 20 June 2025**. At this juncture, the Single Judge also underlines that, given the time already expended on the assessment of Mr Mustafa's indigence, a conclusion must be reached on this issue as soon as practicable, in order for the Registrar and Victims' Counsel to be in a position to seek compensation from the Kosovo Crime Victim Compensation Program should it become apparent that Mr Mustafa's current assets would not allow a full enforcement of the Reparation Order within a reasonable time.[42]

C. EXECUTION AND SERVICE

26. Pursuant to Article 34(1) of the Law and Rule 49(1) of the Rules, the Registrar shall transmit the annexed orders to the relevant [REDACTED].

D. DISCLOSURE OF THE ORDERS

27. The Single Judge finds it appropriate to impose the following conditions in order to ensure the proper execution of the annexed orders while safeguarding the integrity of the judicial proceedings.

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[41] Registrar's Report, para. 15.
[42] *See* Decision on Payment of Reparations, paras 64-65.

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28. The Registry is authorised to disclose the annexed orders, as appropriate and necessary, for the purpose of their execution.

29. In the same vein, the [REDACTED] addressed in the annexed orders are authorised to disclose the contents thereof only to the extent strictly necessary for the purpose of their execution.

IV. DISPOSITION

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

a. **DECIDES** that [REDACTED] for the purpose of the further (partial) enforcement of the Reparation Order;

b. **ORDERS** [REDACTED];

c. **ORDERS**, for the sole purpose of [REDACTED], and **DECIDES** that, [REDACTED];

d. **DECIDES** that [REDACTED]: (i) [REDACTED] and (ii) [REDACTED] for the purpose of the further (partial) enforcement of the Reparation Order, in accordance with paragraphs 18 and 20 of this decision;

e. **ORDERS** [REDACTED];

f. **ORDERS**, for the sole purpose of [REDACTED], and **DECIDES** that, [REDACTED];

g. **INSTRUCTS** the Registrar to inform [REDACTED] of the findings of the Single Judge, in accordance with paragraph 21 of this decision;

h. **ORDERS** [REDACTED] to provide to the Registrar, within 30 (thirty) days of the date of service of the annexed order, the outstanding records and documents, as specified therein;

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i. **ORDERS** [REDACTED] and [REDACTED] to comply with the previous orders of the Single Judge, and to provide to the Registrar, within 30 (thirty) days of the date of service of the annexed orders, the outstanding records and documents, as specified therein;

j. **INFORMS** [REDACTED] and [REDACTED] that, pursuant to Article 53(2) of the Law and Rule 202(3) of the Rules, all [REDACTED] in Kosovo are duty-bound to comply with orders of the SC without undue delay, and that any failure to comply with the annexed orders may lead to a judicial finding of non-cooperation pursuant to Rule 204 of the Rules, of which the President of the SC shall be informed accordingly;

k. **INSTRUCTS** the Registrar to serve the annexed orders on the respective [REDACTED] and **AUTHORISES** the Registrar to disclose these orders, as appropriate and necessary, for the purposes of their execution;

l. **AUTHORISES** [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] to disclose the contents of the annexed orders only to the extent strictly necessary for the purposes of their execution; and

m. **REJECTS** the Registrar's request to vary the time limit for the submission of her report on the assessment of Mr Mustafa's indigence, and **ORDERS** the Registry to submit said report by no later than the new deadline set by the Single Judge, namely **Friday, 20 June 2025**.

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Judge Gilbert Bitti
Single Judge

Dated this Thursday, 8 May 2025

At The Hague, the Netherlands.