



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-05/R001/IA001

Before: A Panel of the Court of Appeals Chamber
Judge Michèle Picard
Judge Kai Ambos
Judge Nina Jørgensen

Registrar: Fidelma Donlon

Date: 1 September 2025

Original language: English

Classification: Public

Decision on Defence Request for Extension of Time to File Appeal

Counsel for Victims:

Anni Pues

Counsel for Salih Mustafa:

Julius von Bóné

THE PANEL OF THE COURT OF APPEALS CHAMBER of the Kosovo Specialist Chambers (“Court of Appeals Panel”, “Appeals Panel” or “Panel” and “Specialist Chambers”, respectively),¹ acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 169 of the Rules of Procedure and Evidence (“Rules”), is seized of a request filed on 27 August 2025 (“Request”) by Mr Salih Mustafa (“Mustafa” or “Defence”).²

1. Mustafa requests that the Court of Appeals Panel issue a “new timeline” for the filing of submissions and grant him until 15 September 2025 to file his appeal against the “Decision on the Payment of Interest by Salih Mustafa in Relation to Reparations” issued by the Single Judge on 16 July 2025 (“Impugned Decision”).³ In support, Mustafa submits that he made such a request in his application for leave to appeal⁴ and was “under the impression” that, following its assignment, the Court of Appeals Panel would decide on Mustafa’s request and issue an order setting a timeline for submissions.⁵ Mustafa further argues that an unexpected medical situation arose that has required his urgent attention.⁶ Lastly, Mustafa submits that the Single Judge issued a decision on 25 August 2025, setting a deadline of 15 September 2025 for submissions, and which may also implicate the issue of applicable interest.⁷ Mustafa avers that the extension would allow Mustafa to streamline his submissions in both

¹ F00001, Decision Assigning a Court of Appeals Panel, 14 August 2025.

² F00002, Mustafa’s Request for a new timeline to file submissions in Appeal regarding the Decision on Payment of Interest in relation to Reparations, 27 August 2025 (confidential). The Panel considers that, while Mustafa presents the Request as a “request for a new timeline”, he is in effect seeking additional time to file his Appeal, and the Panel will therefore address it as a request for extension of time.

³ KSC-BC-2020-05/R001, F00032, Decision on the Payment of Interest by Salih Mustafa in Relation to Reparations, 16 July 2025.

⁴ See KSC-BC-2020-05/R001, F00033, Mustafa’s Application for Leave to Appeal Through Certification from Decision KSC-BC-2020-05/R001/F00032, 23 July 2025.

⁵ Request, paras 9, 11.

⁶ Request, para. 10.

⁷ Request, para. 12.

matters and as such, “benefit the coherency and efficiency” of his submissions and overall efficiency of the proceedings.⁸

2. As a preliminary matter, the Appeals Panel notes that the Request is filed confidentially, which the Panel understands is likely due to references to matters personal to Mustafa and his family.⁹ However, the Panel recalls that all submissions filed before the Specialist Chambers shall be public unless there are exceptional reasons for keeping them confidential, and that Parties shall file public redacted versions of all non-public submissions filed before the Panel.¹⁰ In this regard, the Panel further notes that the Impugned Decision and related filings are classified as public. Therefore, the Panel instructs the Defence to file a public redacted version of the Request or to indicate, through a filing, whether it can be reclassified as public within five days of receiving notification of the present Decision.

3. The Appeals Panel recalls that, pursuant to Rule 170(2) of the Rules, where certification has been granted under Rule 77(3) of the Rules, an appellant may file an appeal within ten (10) days of the certification. However, pursuant to Rule 9(5)(a) of the Rules, the Panel may, *proprio motu* or upon showing of good cause, extend or reduce any time limit prescribed by the Rules or set by the Panel.¹¹

4. The Panel further recalls that, pursuant to Rule 9(6) of the Rules, where no prejudice is caused, a motion for variation of time limits may be disposed of without giving the opposing Party or Victims’ Counsel the opportunity to be heard. In light of the procedural urgency of the Request, and given that no prejudice would be caused

⁸ Request, para. 13.

⁹ See Request, para. 10.

¹⁰ See e.g. KSC-BC-2020-06, IA008/F00004/RED, Public Redacted Version of Decision on Kadri Veseli’s Appeal Against Decision on Review of Detention, 1 October 2021 (confidential version filed on 1 October 2021), paras 8-9. See also KSC-CA-2022-01, F00103, Decision on Gucati Application for Reclassification or Public Redacted Versions of Court of Appeals Panel Decisions, 9 January 2023, para. 2; KSC-BC-2023-12, IA003/F00004, Decision on Defence Request for an Extension of Time to Appeal the “Second Decision on Review of Detention of Fadil Fazliu”, 25 April 2025 (“*Fazliu* Extension Decision”), para. 3.

¹¹ Rule 9(5)(a) of the Rules.

to Victims' Counsel, the Panel considers that it is in the interests of justice to dispose of the Request immediately.

5. The Panel notes that, in accordance with Rules 9(2) and 170(2) of the Rules, Mustafa's appeal was due on 21 August 2025. However, Mustafa filed the Request on 27 August 2025, four working days and six calendar days after the expiration of the time limit to file his Appeal. In light of the fact that Counsel is not new to the proceedings before the Specialist Chambers, the Panel considers that Counsel must have inevitably been aware of the time limit to appeal the Impugned Decision pursuant to Article 45(2) of the Law and Rule 170(2) of the Rules.¹² Furthermore, the Panel recalls that procedural time-limits are to be respected as they are indispensable to the proper functioning of the Specialist Chambers,¹³ and Counsel is under an obligation to give absolute priority to the observation of the time limits, as foreseen in the Rules.¹⁴ In the Panel's view, Mustafa could and should have made a request for extension of time in advance of the expiry of the time limit.¹⁵ In this regard, the Panel notes Mustafa's submission that he made a request for the setting of a timeline for submissions in his application for leave to appeal, and was under the impression that the assigned Court of Appeals Panel would decide on his request following certification.¹⁶ However, the Panel considers that Mustafa could and should have

¹² See e.g. ICTY, *Prosecutor v. Haxhiu*, IT-04-84-R77.5-A, Decision on Admissibility of Notice of Appeal Against Trial Judgement, 4 September 2008, para. 14 (recalling that counsel participating in appeals proceedings are expected to familiarise themselves with the procedural requirements).

¹³ See *Fazliu* Extension Decision, para. 5. See also ICTR, *Prosecutor v. Kayishema and Ruzindana*, ICTR-95-1-A, Judgement (Reasons), 1 June 2001, para. 46.

¹⁴ See *Fazliu* Extension Decision, para. 5. See also ICTY, *Prosecutor v. Lukić and Lukić*, IT-98-32/I-A, Decision on Milan Lukić's Urgent Motion For Enlargement of Time to File Notice of Appeal, 19 August 2009 ("*Lukić and Lukić* Extension Decision"), para. 11.

¹⁵ The Panel notes Mustafa's submission that he made a request for the setting of a timeline for submissions in his application for leave to appeal and was under the impression that the assigned Court of Appeals Panel would decide on his request following certification. See Request, paras 4, 9. However, the Panel considers that Mustafa could and should have made his request before the Appeals Panel following its assignment on 14 August 2025.

¹⁶ See Request, paras 4, 9.

made his request before the Appeals Panel following its assignment on 14 August 2025. Therefore, the Panel finds that the Request was not timely filed.¹⁷

6. Nevertheless, out of fairness to Mustafa, the Panel will exceptionally consider whether he has demonstrated good cause justifying a variation of the time limit to file his Appeal, despite the untimeliness of the Request.¹⁸

7. Mustafa first argues that unexpected medical circumstances affecting a member of his family have required urgent attention and monitoring. The Panel recalls that, under certain circumstances, medical emergencies may be a factor establishing good cause for an extension of time.¹⁹ However, while sympathetic to Mustafa's family circumstances, the Panel recalls that on appeal, Counsel bears the main burden in preparing submissions and ensuring the timely submission of all pleadings.²⁰ Furthermore, the Defence does not demonstrate or even argue how these circumstances hindered Counsel's preparation of the Appeal. Therefore, the Panel finds that, without elaboration, these circumstances are insufficient to establish good cause for an extension of time.

8. Mustafa next argues that the requested extension is necessary so that he may contemplate whether to incorporate issues stemming from the Single Judge's 25 August 2025 decision into the Appeal and in order to "streamline[]" his

¹⁷ See Rule 76 of the Rules.

¹⁸ See similarly, *Fazliu Extension Decision*, para. 6.

¹⁹ See e.g. ICTR, *Prosecutor v. Bizimungu et al.*, ICTR-99-50-AR73.8, Decision on Motion for Extension of Time to File an Appeal, 7 October 2009, p. 2 (finding good cause where co-counsel suffered rotator cuff injury affecting his ability to draft the appeal, and lead counsel was engaged in trial and unable to complete the appeal); ICTR, *Prosecutor v. Munyakazi*, ICTR-97-36A-A, Decision on Yussuf Munyakazi's Motion for an Extension of Time for the Filing of Notice of Appeal, 22 July 2010, para. 7 (finding good cause following death of lead counsel during important phase of the appeal process, despite appointment of co-counsel). Contra *Lukić and Lukić Extension Decision*, para. 12 (declining to find good cause where co-counsel was ill for part of the time needed for the preparation of the notice of appeal).

²⁰ See e.g. IRMCT, *Prosecutor v. Uwinkindi*, MICT-12-25-AR14.1, Decision on Motions to Strike Notice of Appeal and Appeal Brief, 4 February 2016, para. 9. See also KSC-CA-2024-03, F00009, Decision on Defence Further Request for Variation of Time Limit to File Notice of Appeal, 8 August 2024, para. 5; *Fazliu Extension Decision*, para. 8.

submissions in both matters.²¹ The Panel notes with concern that Mustafa appears to justify the requested extension based, in part, on matters decided in a decision issued after expiration of the deadline for the submission of his Appeal. In this regard, the Panel stresses that the scope of the Appeal shall be limited to issues stemming from the Impugned Decision, as certified by the Single Judge. Should Mustafa wish to appeal the 25 August 2025 decision, he must do so in accordance with the Law and Rules. In any event, the Panel finds that such reason does not constitute good cause for the requested extension of time.

9. That said, the Appeals Panel notes the significance and complexity of the certified issues, as well as their novelty before the Panel. These factors have previously been acknowledged as constituting good cause for varying the time limits of appellate filings, justifying a departure from the time limits specified in the Rules.²² In this regard, the Panel recalls that it is in the interests of justice to ensure that parties before the Specialist Chambers can file meaningful appellate submissions on matters comparable to those raised in the Impugned Decision. Furthermore, having regard to the importance of reparation proceedings,²³ the Panel finds that consideration of these issues will contribute to ensuring procedural fairness and thereby give effect to the rights and interests of both the victims and Mustafa. On this basis, the Panel finds that good cause exists for varying the time limit for Mustafa's submission of his Appeal. However, the Panel considers that an extension of time until 15 September 2025 is not reasonable, considering the untimeliness of the Request, and finds that a limited

²¹ Request, para. 12.

²² See e.g. KSC-CA-2024-03, F00038/RED, Public Redacted Version of Decision on Defence Request for Extension of Time to File its Notice of Appeal Against the Reparation Order, 17 January 2025 (confidential version filed on 14 January 2025), para. 6; KSC-BC-2020-06, IA013/F00003, Decision on Thaçi's Request for Variation of Time Limit, 1 November 2021, para. 3; KSC-BC-2020-04, IA002/F00002, Decision on Shala's Request for Variation of Time Limit, 28 October 2021, para. 3.

²³ See ICC, *Prosecutor v. Katanga*, ICC-01/04-01/07-3728-tENG, Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, para. 18.

extension is more appropriate. Accordingly, the Panel grants an extension of time until 8 September 2025 for the filing of the Appeal.

10. Nevertheless, the Panel reminds Defence counsel of his obligation to diligently and effectively perform his duties towards his client, in accordance with the Code of Professional Conduct.²⁴ The Panel stresses the importance of strictly abiding by the time-limits set under the Rules²⁵ and, to this end, urges the Defence to anticipate in advance and timely submit any similar future requests.

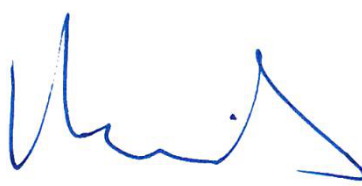
11. For the above reasons, the Court of Appeals Panel:

GRANTS, in part, the Request;

ORDERS Mustafa to file his Appeal by no later than 8 September 2025;

INSTRUCTS the Defence to submit a public redacted version of the Request or indicate, through a filing, whether it can be reclassified as public, within five days of receiving notification of the present Decision; and

INSTRUCTS the Registry to execute the reclassification of the Request upon indication by the Defence, if any, that it can be reclassified.



**Judge Michèle Picard,
Presiding Judge**

Dated this Monday, 1 September 2025

At The Hague, the Netherlands

²⁴ See Registry Practice Direction, Code of Professional Conduct – for Counsel and Prosecutors Before the Kosovo Specialist Chambers, KSC-BD-07-Rev1, 28 April 2021, Articles 6, 24.

²⁵ See *Fazliu* Extension Decision, para. 5.