

In: KSC-BC-2020-05/CR001
The Specialist Prosecutor v. Mr. Salih Mustafa

Before: Single Judge Panel
Judge Gilbert Bitti

Registrar: Dr Fidelma Donlon

Filing Participant: Defence

Date: 23 December 2025

Language: English

Classification: Public/Redacted

Public Redacted Version of
Defense's Further Submissions in Relation to CR001/F00001
with
Confidential and *Ex-parte* ANNEX 1

To be notified to:

Specialist Prosecutor's Office
Kimberly West

Registry
Fidelma Donlon

Specialist Counsel

for Salih Mustafa

Mr. Julius von Bóné

I. INTRODUCTION

1. On 16 December 2022, the Trial Panel delivered the Trial Judgment, convicting Mustafa of the war crimes of arbitrary detention to 10 years (Count 1), for torture to 22 years (Count 3) and for murder (Count 4) to 25 years, and imposed a single sentence of 26 years of imprisonment, with credit for time served.¹
2. Mustafa's conviction was finally decided on 10 September 2024 the Appeals Panel rendered a Decision on New Determination of Salih Mustafa's Sentence whereby it imposed a sentence of eight years of imprisonment with respect to Count 1; a sentence of 13 years of imprisonment with respect to Count 3; a sentence of 15 years of imprisonment with respect to Count 4; and a single sentence of 15 years of imprisonment on Mustafa, with credit for the time served.²
3. On 21 December 2025 Mr. Mustafa has filed with the President of the KSC an urgent request for the temporary release with confidential and *ex-parte* ANNEX 1.³
4. On 22 December 2025, the president of the KSC has filed a [REDACTED],⁴ whereby it assigned a Single Trial Judge to handle the request filed by Mr. Mustafa.
5. On 22 December the Single Trial Judge issued an Order for Further Submissions in Relation to CR001/F00001.⁵

¹ Trial Judgment, paras 828-831, KSC-BC-2020-05/F00494, 16 December 2022

² KSC-CA-2023-02/F00045 / Decision on New Determination of Salih Mustafa's Sentence 10/09/2024.

³ KSC-BC-2020-05/CR001, F00001, Defence, *Mustafa's urgent request for the temporary release*, 21 December 2025, confidential and *ex parte*, paras 7, 10, with Annex 1, confidential and *ex parte*.

⁴ [REDACTED]

⁵ KSC-BC-2020-05/CR001/F00003, Order for Further Submissions in Relation to CR001/F00001, 22

II. SUBMISSION

6. The Defence, in response to the Order of Single Trial Judge ⁶, submits the updated medical report on the current health condition of the father of Mr. Mustafa who has been hospitalized [REDACTED].
7. The Defence submits an updated medical report. The situation of the health condition of Mustafa's father remains extremely severe and critical. He cannot be operated due to [REDACTED]. The updated Medical Report [REDACTED], together with an official translation of it, can be found with the Annex 1 to the present document.
8. The [REDACTED] is monitoring the situation.
9. All the prospects of the Mustafa's father to survive remain, at this point, very grim.

III. REQUEST FOR TEMPORARILY RELEASE

10. Mustafa has requested to be temporarily released [REDACTED]. [REDACTED].
11. It is important to act quickly in order that should the father succumb Mustafa has an opportunity to be at the bedside of his father, while still alive.
12. On compassionate grounds the Defence requests the temporarily release of Mustafa, [REDACTED].

December 2022, Confidential and *ex-parte*.

⁶ KSC-BC-2020-05/CR001/F00003, Order for Further Submissions in Relation to CR001/F00001, 22 December 2022, Confidential and *ex-parte*.

IV. TIMELINE FOR RESPONSES

13. In the order of the Single Panel Judge, both the SPO and the registrar are ordered to make submissions on Mustafa's request. The indicated timeline in the order is to do so by Monday 29 December 2025 at 12:00.
14. The defence hopes that both the SPO and the Registrar can file their submissions tomorrow or at least in the coming days, in order not to lose precious time.
15. Most probably the defence will, unless the SPO and Registrar file submissions denying Mustafa's Request, not use the indicated reply deadline of 30 December 2025. Considering the father's condition, time is too precious to lose it on making any such reply a week from today.

For these reasons

16. Mustafa requests to be released temporarily, [REDACTED], for a visit to his father [REDACTED].
17. The present document is filed as confidential. A public redacted version will be made available in due course.

Word count: 774

23 December 2025

At The Hague, the Netherlands



Julius von Bóné

Specialist Defence Counsel