



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

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

**Before:** Single Judge Panel  
Judge Gilbert Bitti

**Registrar:** Fidelma Donlon

**Date:** 22 December 2025

**Language:** English

**Classification:** Public

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**Public Redacted Version of Order for Further Submissions in Relation to  
CR001/F00001**

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**To be notified to:**

**Specialist Prosecutor's Office**  
Kimberly West

**Specialist Counsel**  
Julius von Boné

**Registry**  
Fidelma Donlon

**THE SINGLE JUDGE**<sup>1</sup> hereby renders this Order for Further Submissions in Relation to CR001/F00001.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 16 December 2022, Trial Panel I convicted Salih Mustafa (“Mr Mustafa”) for the war crimes of arbitrary detention, torture and murder and sentenced him to 26 years of imprisonment, with credit for the time served. After appellate review, Mr Mustafa’s conviction was upheld, but his sentence was reduced to 15 years of imprisonment.<sup>2</sup>

2. On 22 December 2025, the Single Judge was notified of “Mustafa’s urgent request for the temporary release” (Request), in which Mr Mustafa requests to be temporarily released under conditions to visit his father in hospital in Kosovo.<sup>3</sup>

## II. APPLICABLE LAW

3. The Single Judge notes Rules 9(5), 56(3) and 82(5) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (Rules).

## III. DISCUSSION

4. The Single Judge observes that Mr Mustafa annexed in support of the Request for temporary release a confidential medical report that contains further information

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<sup>1</sup> KSC-BC-2020-05/CR001, F00002, President of the Specialist Chambers, *Decision Assigning a Single Judge*, 22 December 2025, confidential.

<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](#); KSC-CA-2023-02, F00038/RED, Court of Appeals Panel, [Public Redacted Version of Appeal Judgment](#), 14 December 2023, public; F00045, Court of Appeals Panel, [Decision on New Determination of Salih Mustafa’s Sentence](#), 10 September 2024, public; KSC-SC-2024-02, F00018, Supreme Court Panel, *Decision on Salih Mustafa’s Request for Protection of Legality*, 29 July 2024, public; KSC-SC-2024-03, F00006, Supreme Court Panel, *Decision on Mustafa’s and Specialist Prosecutor’s Requests for Protection of Legality*, 25 February 2025, public; KSC-SC-2024-04, F00006, Supreme Court Panel, *Decision on Mustafa’s and Specialist Prosecutor’s Requests for Protection of Legality*, 25 February 2025, public.

<sup>3</sup> 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*.

about the health situation of Mr Mustafa's father and his stay in hospital, which is only accessible to the Single Judge and the Registrar (Annex 1). In similar situations, medical reports have been shared fully with the Specialist Prosecutor's Office (SPO) and the Registrar. In the present instance, the Defence fails to justify why Annex 1 cannot be shared on a confidential basis with the SPO.<sup>4</sup> Mindful of the urgency of the Request, the Single Judge finds it necessary, pursuant to Rule 82(5) of the Rules, to order the Registry to lift the *ex parte* marking of Annex 1 *vis-à-vis* the SPO so that it can make meaningful submissions in response.

5. Moreover, the Single Judge, having considered the Request and Annex 1, observes that Mr Mustafa's father has been hospitalised [REDACTED] in Prishtina, but that it is unclear whether he can or will undergo surgery any time soon. In order to take an informed decision, the Single Judge orders Mr Mustafa to provide the Single Judge with an update on (i) the health condition of Mr Mustafa's father, and (ii) when Mr Mustafa's father will undergo surgery (Update). The Update shall include a doctor's report on the foregoing questions, duly translated into English. Due to the urgency of the Request, the Single Judge orders the Defence for Mr Mustafa to make such submissions by Wednesday, 24 December 2025, at 12h00.

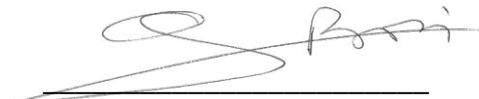
6. Considering the upcoming official holidays, the Single Judge reduces the time limit for responses and orders the SPO and the Registrar to make submissions on the Request and the Update by Monday, 29 December 2025, at 12h00. Any reply shall be submitted by Tuesday, 30 December 2025, at 12h00.

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<sup>4</sup> According to Rule 82(3) of the Rules, any confidential or strictly confidential filing "shall state the reasons for such classification, and whether and when it can be reclassified. Unless and until otherwise ordered by a Panel, the filing shall be treated according to that classification". The same applies to *ex parte* markings.

#### IV. DISPOSITION

7. For the above-mentioned reasons, the Single Judge hereby:
- a) **ORDERS** the Defence for Mr Mustafa to provide an Update, as set forth in paragraph 5, by Wednesday, 24 December 2025, at 12h00;
  - b) **ORDERS** the Registry to lift the *ex parte* marking of CR001/F00001/A01 and to notify Annex 1, classified as confidential, to the SPO;
  - c) **ORDERS** the SPO and the Registrar to make submissions on the Request, including Annex 1, as well as the Defence Update, by Monday, 29 December 2025, at 12h00; and
  - d) **ORDERS** the Defence, if it so wishes, to reply to the SPO and Registrar submissions, by Tuesday, 30 December 2025, at 12h00.



**Judge Gilbert Bitti**  
**Single Judge**

Dated this Monday, 22 December 2025

At The Hague, the Netherlands.