



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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

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

Registrar: Fidelma Donlon

Date: 5 January 2026

Language: English

Classification: **Public**

Public Redacted Version of Decision in Relation to CR001/F00001

To be notified to:

Specialist Prosecutor's Office
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Registry
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THE SINGLE JUDGE¹ hereby renders this Decision 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.²
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.³
3. On the same day, the Single Judge, noting the urgency of the Request and the impending official holidays, ordered: (i) the Defence of Mr Mustafa (Mustafa Defence) to update its Request by informing the Single Judge by Wednesday, 24 December 2025, at 12h00, about the health situation of Mr Mustafa’s father and when he will undergo surgery, as the medical report, dated 19 December 2025, provided in the annex to the Request, only stated that the health of Mr Mustafa’s father needed to improve before a necessary surgical intervention could take place and that a treatment to that effect was administered at the hospital; and (ii) the Specialist Prosecutor’s

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

² 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.

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*.

Office (SPO) and the Registrar to respond by Monday, 29 December 2025, at 12h00, to the Request and the update to be presented by the Mustafa Defence; and (iii) the Mustafa Defence to reply by Tuesday, 30 December 2025, at 12h00, if it so wishes.⁴

4. On 23 December 2025, the Mustafa Defence updated the Single Judge that the health situation of Mr Mustafa's father "remains extremely severe and critical" and that he "cannot be operated due to [REDACTED]" (Update).⁵ The new medical report, dated 23 December 2025, and provided in the annex to the Update submitted by the Mustafa Defence, underlined the [REDACTED] which rendered the necessary surgery impossible at the time. The Mustafa Defence renewed its Request and submitted that it would not reply to any responses to the Request, which it hoped would be submitted earlier than ordered by the Single Judge.⁶

5. On 25 December 2025, the Mustafa Defence informed the Single Judge that Mr Mustafa's father had died, without amending its Request further (Additional Update).⁷

6. On 26 December 2025, the Single Judge enquired by email through the Court Management Unit whether the Mustafa Defence, upon consultation with Mr Mustafa personally, wished to amend the initial Request and specify "whether eventually Mr Mustafa wishes to visit the grave of his father and to visit his immediate family". Such request should have been submitted by Monday, 29 December 2025, at 16h00, with responses and reply following an expedited briefing schedule.⁸

⁴ KSC-BC-2020-05/CR001, F00003, Single Judge, *Order for Further Submissions in Relation to CR001/F00001*, 22 December 2025, confidential and *ex parte*, para. 7.

⁵ KSC-BC-2020-05/CR001, F00004, Defence, *Defense's Further Submissions in Relation to CR001/F00001*, 23 December 2025, confidential and *ex parte*, para. 7.

⁶ Update, paras 14-15.

⁷ KSC-BC-2020-05/CR001, F00005, Defence, *Defense's Additional Submissions in Relation to CR001/F00001*, 25 December 2025, confidential and *ex parte*.

⁸ KSC-BC-2020-05/CR001, CRSPD 125, *New Correspondence*, 26 December 2025, at 17h03, confidential.

7. On 29 December 2025, the Mustafa Defence responded by email through the Court Management Unit that the Defence “does not file any further (or modified) request or filing” and that “[a]t an appropriate moment another Request, if any, might follow”.⁹

8. Accordingly, no observations from the SPO and the Registrar were received.

II. APPLICABLE LAW

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

III. DISCUSSION

10. To begin with, the Single Judge observes that Mr Mustafa’s initial Request lacked essential information on his father’s health without which the Single Judge was unable to proceed. Nevertheless, and despite the upcoming official holidays, action was taken immediately to receive an Update from the Mustafa Defence and necessary observations from the SPO and the Registrar. For future purposes, the Single Judge advises the Mustafa Defence to submit a request with precise and full information so that the Single Judge can take an informed decision swiftly and logistical arrangements can be made expeditiously by the Registrar.

11. Further, the Mustafa Defence is reminded to factor in the time needed to receive necessary observations to any such request for temporary release under conditions from the SPO and the Registrar. Moreover, such operations entail coordination across various sections within the Specialist Chambers and several external partners which necessarily requires sufficient time, especially with regard to the organisation of the travel and the corresponding security.

⁹ KSC-BC-2020-05/CR001, CRSPD 125, *Email from Defence to Single Judge re Case 05/CR001 New Correspondence*, 29 December 2025, at 13h16, confidential.

12. Importantly, the Single Judge reminds Counsel of the need to consult, at all times, his client.

13. Noting the email correspondence of 29 December 2025 that Mr Mustafa does not wish to submit an amended request taking into account the passing of his father, the Single Judge considers the Request, as notified on 22 December 2025, to be moot.

IV. DISPOSITION

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

- a) **DECLARES** the Request as moot; and
- b) **ORDERS** the Mustafa Defence to submit public redacted versions of the Request (CR001/F00001), the Update (CR001/F00004) and the Additional Update (CR001/F00005), or to justify the maintenance of their current level of classification, by no later than Thursday, 22 January 2026.



Judge Gilbert Bitti
Single Judge

Dated this Monday, 5 January 2026

At The Hague, the Netherlands.