



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-05
The Prosecutor v. Salih Mustafa

Before: **Trial Panel I**
Judge Mappie Veldt-Foglia, Presiding Judge
Judge Roland Dekkers
Judge Gilbert Bitti
Judge Vladimir Mikula, Reserve Judge

Registrar: Dr Fidelma Donlon

Date: 30 August 2021

Language: English

Classification: **Confidential**

Order for submissions by the Registrar on the “Defence request for termination of imposed segregation and modification of other measures on Salih Mustafa” and varying the time limits for responses and replies

Specialist Prosecutor
Jack Smith

Counsel for the Accused
Julius von Bóné

Registry
Fidelma Donlon
Chief detention officer

Victims’ Counsel
Anni Pues

TRIAL PANEL I (Panel), hereby renders this order for submissions by the Registrar on the “Defence request for termination of imposed segregation and modification of other measures on Salih Mustafa” and varying the time limits for responses and replies.

I. PROCEDURAL BACKGROUND

1. On 2 August 2021, the Panel issued, upon request,¹ the “Decision on Specialist Prosecutor’s request for segregation and other measures” in which it set out the principles governing segregation and other measures applicable to the detention of Salih Mustafa.²
2. On 27 August 2021, the Defence submitted the “Defence request for termination of imposed segregation and modification of other measures on Salih Mustafa” (Request).³

II. APPLICABLE LAW

3. The Panel notes Article 34(1) and (12) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (Law), and Rules 9(5) and 76 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (Rules).

¹ KSC-BC-2020-05, F00133, Specialist Prosecutor, *Prosecution’s request for segregation and other measures*, 11 June 2021, confidential and *ex parte*. A confidential redacted version was submitted on 14 June 2021, F00133/CONF/RED.

² KSC-BC-2020-05, F00162, Trial Panel I, *Decision on Specialist Prosecutor’s request for segregation and other measures*, 2 August 2021, confidential and *ex parte*. A confidential redacted version thereof was submitted the same day, F00162/CONF/RED.

³ KSC-BC-2020-05, F00172, Defence, *Defence request for termination of imposed segregation and modification of other measures on Salih Mustafa*, 27 August 2021, confidential.

III. DISCUSSION

4. The Panel notes that under Rule 9(5) of the Rules, it may reduce *proprio motu* any time limit prescribed by the Rules or set by the Panel.

5. Mindful of the urgent nature of the issues at stake, and the time needed to rule on the Request, the Panel considers it necessary to reduce the relevant time limits established in the Rules. Accordingly, the Specialist Prosecutor's Office (SPO) and Victims' Counsel are ordered, should they choose to respond, to provide a response to the Request by Wednesday, 1 September 2021, while a reply by the Defence, if any, should be filed by Friday, 3 September 2021.

6. The Panel also orders the Registrar to make submissions on the feasibility of the measures sought by the Defence in paragraphs 14-20; 24-26 and 28 of the Request by Wednesday, 1 September 2021.

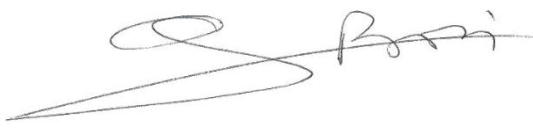
IV. DISPOSITION

7. For the above-mentioned reasons, the Panel hereby:


- a) **ORDERS** the SPO and Victims' Counsel, if they so choose, to provide any response to the Request by **Wednesday, 1 September 2021**;
- b) **ORDERS** the Registrar to provide by **Wednesday, 1 September 2021**, submissions as specified in paragraph 6 above; and
- c) **ORDERS** the Defence, if it so chooses, to provide any reply by **Friday, 3 September 2021**.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Monday, 30 August 2021
At The Hague, the Netherlands.