



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

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

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

Registrar: Dr Fidelma Donlon

Filed by: Dr Fidelma Donlon

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Public Redacted Version of

**“Registry Submission Pursuant to the Second Decision on the Appointment of
Expert(s)”, F00157 dated 21 July 2021**

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1. Pursuant to the Second Decision on the Appointment of Expert(s) ('Second Decision'),¹ the Victims' Participation Office ('VPO') of the Registry hereby provides Trial Panel I ('Panel') with a list of relevant experts, together with other relevant information requested by the Panel.²

I. PROCEDURAL HISTORY

2. On 20 May 2021, the Panel issued the Decision on the Appointment of Expert(s) ('First Decision'), instructing the VPO to submit a list of three relevant experts, with an outline of their qualifications, who could prepare a report on whether the national courts in Kosovo offer a realistic avenue for victims to claim reparations and to have any judgments granting reparations enforced.³

3. On 4 June 2021, the VPO submitted to the Panel a list of three experts from Kosovo who "sufficiently meet the requirements" to prepare such a report, as set out in the First Decision.⁴

4. On 14 June 2021, Victims' Counsel submitted observations on VPO's submission.⁵ The Defence did not submit any observations.

5. On 25 June 2021, the Panel issued the Second Decision, instructing the VPO to submit a list of three additional relevant experts from outside of Kosovo to the Panel for its consideration and to enquire about their willingness and short notice availability to prepare the report.⁶ The Panel also specified [REDACTED] who should be contacted by the VPO as part of its inquiries, namely [REDACTED], in addition to any other experts the VPO may consider appropriate.

¹ KSC-BC-2020-05, F00140, Trial Panel I, Second Decision on the appointment of expert(s), 25 June 2021, confidential ('Second Decision').

² *Ibid.*, para. 12(a).

³ F00124, Trial Panel I, Decision on the Appointment of Expert(s), 20 May 2021, public ('First Decision'), paras 20, 22.

⁴ F00132, Registrar, Registry Submission Pursuant to the Decision on the Appointment of Expert(s), 4 June 2021, public, with Annexes 1-3, confidential and *ex parte*.

⁵ F00134, Victim's Counsel, Victims' Counsel Submission on the Decision on the appointment of expert(s), 14 June 2021, public.

⁶ Second Decision, paras 9-10, 12(a).

II. SUBMISSION

6. The VPO notes that the task of finding further relevant experts from outside of Kosovo who may fulfil the requirements of “in-depth knowledge and/or solid experience in the functioning of the Kosovo judicial system as regards claims of compensation presented by victims in war crimes cases similar to the present case”⁷ has proven challenging, as there is a very limited number of individuals and/or organisations who are outside of Kosovo who also have recent and actual knowledge and experience of the judicial system in Kosovo.

7. In order to find suitable candidates with the requisite knowledge and experience, the VPO contacted a number of lawyers, jurists, experts and organisations in Kosovo and elsewhere, following the First and Second Decisions, including [REDACTED].⁸ For different reasons, neither [REDACTED] nor [REDACTED] are able to prepare the requested report.⁹ Nevertheless, the VPO has succeeded in identifying three further relevant experts for the Panel’s consideration, who would be willing and available on short notice to prepare the requested report. Their experience and qualifications are described in detail in Annexes 2-4. Notably, one of the proposed experts [REDACTED] will become available [REDACTED] at the end of July 2021.

8. A table with all of the individuals/organisations the VPO has contacted in order to comply with the Second Decision is included in Annex 1.¹⁰ The VPO will continue to update the Panel should further information become available from the individuals and/or entities it has contacted.

⁷ First Decision, para. 22.

⁸ Second Decision, paras 9-10.

⁹ See Annex 1. [REDACTED].

¹⁰ In addition to the individuals and entities contacted by VPO pursuant to the Panel’s First Decision, the table in Annex 1 indicates the 10 additional individuals and organisations contacted by VPO to comply with the Second Decision.

III. CLASSIFICATION

9. This submission is filed as confidential pursuant to Rule 82(4) of the Rules. The Annexes are filed as confidential and *ex parte* to be distributed to the Head of VPO, the Defence, and Victims' Counsel only,¹¹ as they contain personal information on the proposed experts.

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Dr Fidelma Donlon
Registrar

Friday, 10 September 2021
At The Hague, the Netherlands

¹¹ See First Decision, para. 17 (noting that the Defence and the Victims, represented through Victims' Counsel, are understood to be the "Parties" in the context of reparations proceedings).