



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 Rapporteur

Judge Vladimir Mikula, Reserve Judge

Registrar: Fidelma Donlon

Date: 19 November 2021

Language: English

Classification: Public

**Public redacted version of
Decision on requests for extension of time limit to submit expert report(s) and
related submissions**

To be notified to:

Specialist Prosecutor

Jack Smith

Counsel for the Accused

Julius von Bóné

Registry

Head of Victims' Participation Office

Victims' Counsel

Anni Pues

TRIAL PANEL I (Panel) hereby renders this decision on requests for extension of time limit to submit expert report(s) and related submissions.

I. PROCEDURAL BACKGROUND

1. On 3 September 2021, the Panel: (i) appointed Ms [REDACTED], Ms [REDACTED], and Mr [REDACTED] as experts in the present case (Appointed Experts) and instructed them to submit a report on a number of identified topics by 22 November 2021; and (ii) instructed the Defence for Salih Mustafa (Defence) and Victims' Counsel to make submissions on the report, if any, within two weeks of its notification.¹
2. On 15 November 2021, the Victims' Participation Office (VPO) submitted a request for extension of the time limit to submit the aforementioned expert report(s) (VPO's Request).²
3. On 18 November 2021, Victims' Counsel responded to the VPO's Request.³

II. SUBMISSIONS

4. The VPO submits that, between 9 and 14 November 2021, each of the Appointed Experts requested, via email, an extension of the time limit to submit their report(s) due to compelling personal circumstances, other professional commitments, and delays related to necessary procurement procedures, respectively.⁴ The VPO further

¹ KSC-BC-2020-05, F00184, Trial Panel I, *Third Decision on the appointment of expert(s)*, 3 September 2021, confidential. A public redacted version was filed on the same day, F00184/RED.

² KSC-BC-2020-05, F00252, Registrar, *Request for Extension of Time Limit to Submit Expert Report(s)*, 15 November 2021, confidential. A public redacted version was filed on 17 November 2021, F00252/RED.

³ KSC-BC-2020-05, F00259, Victims' Counsel, *Victims' Counsel response to Request for Extension of Time Limit to Submit Expert Report(s), dated 15 November 2021 (F00252)* (Response), 18 November 2021, public.

⁴ VPO's Request, paras 3-6.

submits that the aforementioned compelling circumstances constitute good cause for an extension of the time limit to 17 December 2021.⁵

5. Victims' Counsel submits that she does not oppose the VPO's Request *per se*, noting that the information provided by the experts therein may justify an extension of time to file their report(s).⁶ Nonetheless, should the VPO's Request be granted, Victims' Counsel requests an extension of time until 21 January 2022 for her submissions in response to the report(s), in light of the complex and numerous topics to be addressed therein and considering the upcoming winter recess (Victims' Counsel's Request).⁷ Alternatively, Victims' Counsel submits that the time limit for the provision of the report(s) should be extended to 10 December 2021 only, in which case she requests that the deadline for submissions in response to the report(s) be extended to 14 January 2022.⁸

III. APPLICABLE LAW

6. The Panel notes Article 40(2) of Law No. 05/F-53 on Specialist Chambers and Specialist Prosecutor's Office and Rule 9(5) and (6) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (Rules).

IV. ANALYSIS

7. At the outset, the Panel notes that the VPO's Request was filed sufficiently in advance of the expiry of the time limit at issue, initially set for 22 November 2021.

8. Having considered the reasons communicated by the VPO, in particular the difficulties encountered by the Appointed Experts in reconciling the preparation

⁵ VPO's Request, paras 7-8.

⁶ Response, para. 4.

⁷ Response, paras 4-8, 11.

⁸ Response, paras 9, 11.

of their report(s) with compelling personal, professional, and administrative reasons outside of their control, the Panel finds that good cause has been demonstrated, warranting the requested extension of time. Furthermore, in light of such extension and the upcoming winter recess, the Panel extends the time limit for the Defence and Victims' Counsel to make submissions on the expert report(s), if any, to 21 January 2022, as requested by Victims Counsel.

9. Considering that the requested extension will cause no delay in the proceedings and noting that the Defence is granted a generous extension of the time limit to make submissions on the expert report(s), if it so wishes, no prejudice is caused to the Defence in issuing the present decision prior to receiving its response to the VPO's Request, in accordance with Rule 9(6) of the Rules.


V. DISPOSITION

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

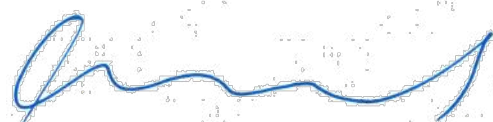
- a. **GRANTS** the VPO's Request and the Victims' Counsel's Request;
- b. **INSTRUCTS** the Appointed Experts to submit their report(s) by **Friday, 17 December 2021**, and the Defence and Victims' Counsel to make submissions on the report(s), if they so wish, by **Friday, 21 January 2022**; and
- c. **INSTRUCTS** the Registry to transmit the present decision to the Appointed Experts.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Friday, 19 November 2021

At The Hague, the Netherlands.