

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: Dr Fidelma Donlon

Filed by: Dr Anni Pues, Victims' Counsel

Date: 20 January 2022

Language: English

Classification: **Public**

**Victims' Counsel motion for extension of time limit to file her submissions on the
experts reports**

Specialist Prosecutor's Office

Jack Smith

Victims' Counsel

Anni Pues

Counsel for the Accused

Julius von Bóné

I. INTRODUCTION

1. Victims' Counsel respectfully requests the Trial Panel I ("Panel") to extend the time limit to file her submissions on the experts reports from 21 January to 25 January 2022, pursuant to Rule 9(5)(a) of the Rules of Procedure and evidence ("Rules").

II. PROCEDURAL BACKGROUND

1. On 3 September 2021, the Panel appointed three experts in the case and instructed them to file their report by 22 November 2021. It also instructed the Defence and Victims' Counsel to make submissions on the report, if they so wish, within two weeks of the notification of the report.¹

2. On 15 November 2021, the Victims' Participation Office ("VPO") submitted, on behalf of the three experts appointed pursuant to the Panel's decision of 3 September 2021, a request for extension of the time limit to submit the expert report(s) ("VPO's Request").²

3. On 18 November 2021, Victims' Counsel filed a response to the VPO's Request.³ In her response, Victims' Counsel requested the Panel, should the VPO's Request be granted, to vary the time limit for Victims' Counsel to file her submissions until 21 January 2022 or alternatively, reject, in part, the VPO's Request and instruct the experts to file their report(s) on 10 December 2021 at the latest and, in that case, vary Victims' Counsel time limit to file any submission by 14 January 2022 ("Victims' Counsel's Request").

4. On 19 November 2021, the Panel granted the VPO's Request and Victims' Counsel's Request and instructed the experts to submit their report(s) by 17 December

¹ KSC-BC-2020-05, F00184/RED, Public redacted version of Third decision on the appointment of expert(s), 3 September 2021, para. 19.

² KSC-BC-2020-05, F00252/RED, Public Redacted Version of Request for Extension of Time Limit to Submit Expert Report(s), filing F00252, dated 15 November 2021, 17 November 2021.

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

2021 and the Defence and Victims' Counsel to make submissions on the report(s), if they so wish, by 21 January 2022.⁴

5. On 17 December 2021, the VPO transmitted three expert reports to the Panel.⁵ The English version of one of the three reports was made available to Victims' Counsel on 14 January 2022, outside working hours.⁶

III. SUBMISSION

6. Rule 9(5)(a) of the Rules allows the Trial Panel, upon showing of good cause, to extend any time limit set by the Panel. Victims' Counsel submits that in the present case, the fact that the translation of one of the reports was only transmitted to Victims' Counsel on 14 January 2022, outside working hours, constitutes good cause for an extension of the time limit to 25 January 2022.

7. Victims' Counsel was left with only 5 working days between the transmission of the translation of the third report and the filing of her submissions on the reports. Within this 5-day period, court hearings were held in the case over two days, which Victims' Counsel attended.⁷ This leaves Victim's Counsel with an insufficient amount of time to prepare her submissions, which requires an analysis of the key findings of the different lengthy reports, including a comparative analysis of the same.

8. For these reasons, Victims' Counsel respectfully requests the Trial Panel to extend the time limit for the filing of her submissions on the expert report(s) from 21 to 25 January 2022.

⁴ KSC-BC-2020-05, F00260/RED, Public redacted version of Decision on requests for extension of time limit to submit expert report(s) and related submissions, 19 November 2021.

⁵ KSC-BC-2020-05, F00287, Transmission of Expert Reports with four confidential and two public Annexes, 17 December 2021.

⁶ The notification of the filing of the English translation of the third expert report was received by Victims' Counsel by email at 19:44.

⁷ Court hearings took place on 18 and 19 January 2022.

9. Victims' Counsel submits that the requested, brief extension of the time limit to the 25 January 2022 should not negatively impact on the overall length of the proceedings.

Word count: 633



Anni Pues
Victims' Counsel

20 January 2022

At The Hague, the Netherlands