



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: 20 January 2022

Language: English

Classification: **Public**

Public redacted version of
Decision on motion for extension of time limit for submissions on expert reports

To be notified to:

Specialist Prosecutor
Jack Smith

Counsel for the Accused
Julius von Bóné

Victims' Counsel
Anni Pues

TRIAL PANEL I (Panel) hereby renders this decision on motion for extension of time limit for submissions on expert reports.

I. PROCEDURAL BACKGROUND

1. On 3 September 2021, the Panel issued the “Third decision on the appointment of experts”, appointing three individuals as experts in the present case (Appointed Experts), instructing them to report on certain topics identified by the Panel by 22 November 2021, and instructing the Defence for Salih Mustafa (Defence) and Victims’ Counsel to make submissions on the report, if they so wish, within two weeks of its notification.¹
2. On 19 November 2021, upon request by the Victims’ Participation Office² and Victims’ Counsel,³ the Panel extended the time limit for the submission of the experts’ report(s) to 17 December 2021 and the time limit for any Defence and Victims’ Counsel submissions thereon to 21 January 2022.⁴
3. On 17 December 2021, the Registrar transmitted⁵ the Appointed Experts’ respective reports (Reports).⁶

¹ KSC-BC-2020-05, F00184/RED, Trial Panel I, *Public redacted version of Third decision on the appointment of expert(s)*, 3 September 2021, public.

² KSC-BC-2020-05, F00252/PUB, 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), 18 November 2021, public.

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

⁵ KSC-BC-2020-05, F00287, Registrar, *Transmission of Expert Reports*, 17 December 2021, public, with Annexes 1, 3, 5-6, confidential, and Annexes 2, 4, public.

⁶ KSC-BC-2020-05, F00287/A01, Registrar, *Report submitted by [REDACTED]*, 17 December 2021, confidential (a public redacted version was filed on the same day, F00287/A02); F00287/A03, Registrar, *Report submitted by [REDACTED]*, 17 December 2021, confidential (a public redacted version was filed on the same day, F00287/A04); F00287/A06, Registrar, *Report submitted by [REDACTED]*, 17 December 2021, confidential.

4. On 14 January 2022, the Registrar transmitted the English translation of one of the Reports.⁷

5. On 20 January 2022, Victims' Counsel submitted a request for extension of the time limit to make submissions on the Reports to 25 January 2022 (Request).⁸

II. SUBMISSIONS

6. Victims' Counsel submits that the fact that the English translation of one of the Reports was only transmitted to Victims' Counsel on 14 January 2022, outside of working hours, constitutes good cause for an extension of the time limit to 25 January 2022 to file her submissions on the Reports.⁹ Victims' Counsel further avers that, not only was she left with only five working days between the transmission of the aforementioned translation and the deadline for submissions, but within this five-day period, court hearings, which she attended, were held over two days, leaving her with insufficient time to prepare her submissions which require an analysis of the key findings of the Reports, including a comparative analysis thereof.¹⁰

III. APPLICABLE LAW

7. The Panel notes Article 40(2) of Law No. 05/L-053 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).

⁷ KSC-BC-2020-05, F00287/A06/eng, Registrar, *Report submitted by [REDACTED]*, 14 January 2022, confidential. A public redacted version was filed on the same day, F00287/A06/eng/RED.

⁸ KSC-BC-2020-05, F00291, Victims' Counsel, *Victims' Counsel motion for extension of time limit to file her submissions on the experts reports*, 20 January 2022, public.

⁹ Request, para. 6 and footnote 6.

¹⁰ Request, para. 7 and footnote 7.

IV. ANALYSIS

8. At the outset, the Panel notes that the Request was filed only one day before the expiry of the relevant time limit. In this respect, the Panel notes that, in the future, the Parties and Victims' Counsel shall endeavour to file requests under Rule 9(5) of the Rules sufficiently in advance of the expiry of the time limit at issue.

9. Having considered the reasons put forward by Victims' Counsel, in particular the fact that the translation of one of the Reports was only made available to her one week before the deadline for submissions, outside of working hours, and the fact that the preparation of the submissions on the Reports requires, *inter alia*, a comparative analysis thereof, the Panel finds that good cause has been demonstrated, warranting the requested extension of time. Furthermore, noting that the reasons for providing the requested extension to Victims' Counsel equally apply to the Defence, should it wish to make submissions on the Reports, the Panel also extends the time limit for any Defence submissions on the Reports to 25 January 2022.

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

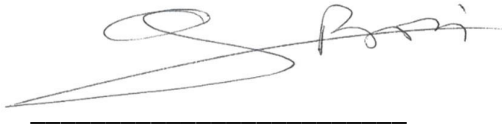
V. DISPOSITION

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

- a. **GRANTS** the Request; and
- b. **INSTRUCTS** the Defence and Victims' Counsel to make submissions on the Reports, if they so wish, by **Tuesday, 25 January 2022**.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Thursday, 20 January 2022
At The Hague, the Netherlands.