



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

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

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

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 9 February 2022

Language: English

Classification: Public

**Prosecution submissions on the conduct of the proceedings following the
Defence's Rule 130(1) notice**

Specialist Prosecutor's Office

Jack Smith

Counsel for the Accused

Julius von Bóné

Victims' Counsel

Anni Pues

1. Pursuant to the Order,¹ the Specialist Prosecutor's Office ('SPO') hereby presents its views on whether the timelines indicated in the Second Decision² should be maintained.
2. Noting the limited scope of the Preparation Conference,³ and that the Defence made no request for suspension of the timelines in question in its Notice,⁴ the SPO considers that proceedings should continue in accordance with the schedule indicated in the Second Decision, without prejudice to the determination of any request pursuant to Rule 130.⁵
3. Proceedings under Rule 130 and those envisaged in the Second Decision should run in parallel, as suggested in the Order.⁶ This course of action will cause no prejudice to the Accused, and will best ensure the expeditiousness of the proceedings as mandated by Article 40(2) of the Law.⁷

Word count: 258



Jack Smith

Specialist Prosecutor

¹ Order for submissions on the conduct of the proceedings following the Defence's Rule 130(1) notice of its intention to file a motion to dismiss any or all of the charges in the Indictment, KSC-BC-2020-05/F00314, 8 February 2022 ('Order').

² Second decision on the conduct of the proceedings, KCS-BC-2020-05/F00296, Public, 21 January 2022 ('Second Decision'), para.21.

³ Order, KSC-BC-2020-05/F00314, para.6.

⁴ Rule 130 (1) Notice to the Panel of Defence's intention to file a motion to dismiss any or all charges of the Indictment, KSC-BC-2020-05/F00309, Public, 4 February 2022 ('Notice').

⁵ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rules' are to the Rules.

⁶ Order, KSC-BC-2020-05/F00314, para.6.

⁷ Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

Wednesday, 9 February 2022

At The Hague, the Netherlands.