

**In:** KSC-CA-2023-02  
Specialist Prosecutor v. Salih Mustafa

**Before:** The President of the Specialist Chambers  
Judge Ekaterina Trendafilova

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Defense Counsel for Salih Mustafa

**Date:** 3 January 2023

**Language:** English

**Classification:** Public

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**Defense urgent motion to extend time limit  
to file Notice of Appeal**

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**Counsel for the Accused**

Julius von Bóné

**Acting Specialist Prosecutor**

Alex Whiting

**Victims' Counsel**

Anni Pues

## **I. Introduction**

1. On 16 December 2022, Trial Panel I rendered its judgment in the case of Mr. Salih Mustafa. The Judgment is dated 15 December 2022; however, the pronouncement of the judgment took place on Friday 16 December 2022.

## **II. Defense seeks extension of time limit to file the Notice of Appeal**

2. Pursuant to the Judgment of the Panel I<sup>1</sup> in the case of Salih Mustafa and Rule 176 (2) of the Rules of Procedure and Evidence, the Defense is required to file a Notice of Appeal within 30 days of the written sentencing judgment.

3. The Judgment was rendered just a day before the judicial recess and that within the time frame of the judgment and the filing of the Notice of Appeal, most seasonal holidays took place. Team members were in one way or another occupied with these holidays, and therefore precious days were lost because of it.

4. The judgment is a very extensive document and requires a thorough analysis in order to file proper Grounds of Appeal as set forth in Rule 176 (2).

5. Mr. Mustafa, the Accused, so far, has not yet received the Judgment in the Albanian language, and obviously he wants to contribute to the grounds of appeal. For him, as English is not his native language, it is indispensable to have the document in the Albanian language in order to make any contribution. To date, the Judgment in the Albanian language is not yet available to him.

6. In addition, some personal circumstances of defense team members impeded them to work on the document within the time period described as above. At the same time, as some applications for new team members of the defense team are pending, these persons need time to acquaint themselves with the case file.

7. Rule 9 (5) (a) of the Rules provides the possibility to extend any time limit set by the Rules.

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<sup>1</sup> KSC-BC-2020-05/F00494.  
KSC-CA-2023-02

8. The defense hereby files this motion and requests that the Notice of Appeal to be filed at the latest by 10 February 2023.

9. It is anticipated the Accused shall seek to Appeal both the Judgment and the Sentencing: the extension of the time limit would imply that the filing of the Appeal Brief, pursuant to Rule 179 (1), would be within 60 days following the 10 February. However, the 10<sup>th</sup> of April is the second Easter Holiday in Netherlands, hence the Defense requests that the last day for filing the Appeal brief to be 11 April 2023.

10. In case the time limits were to be extended, then the defense is of the opinion that the time limits would move for all other parties in the case if they wish to file any Notice of Appeal at all.

10. The defense is of the opinion that the extension it seeks does not impair in any manner the length of the proceedings in an unreasonable manner.

### III CONCLUSION

11. The defense seeks urgently a decision on this motion in order to proceed further.

12. The defense requests to file its Notice of Appeal by the latest on 10 February 2023.

13. The defense requests that the subsequent Appeal Brief be filed by the latest on 11 April 2023.

14. The time limits, if extended, shall equally apply to all parties in the case.

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**Word count: 638**



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**Julius von Bóné**  
**Defence Counsel**

Tuesday, 3 January 2023  
Done at The Hague, the Netherlands