



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-CA-2023-02

Before: A Panel of the Court of Appeals Chamber
Judge Michèle Picard
Judge Kai Ambos
Judge Nina Jørgensen

Registrar: Fidelma Donlon

Date: 9 January 2023

Original language: English

Classification: Public

Decision on Working Language

Specialist Prosecutor's Office:

Alex Whiting

Counsel for Salih Mustafa:

Julius von Bóné

Counsel for Victims:

Anni Pues

THE PANEL OF THE COURT OF APPEALS CHAMBER of the Kosovo Specialist Chambers (“Court of Appeals Panel” or “Panel” and “Specialist Chambers”, respectively),¹ acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 172 of the Rules of Procedure and Evidence (“Rules”), hereby issues this Decision.

1. The Panel recalls that, pursuant to Article 20 of the Law, in any given proceedings, a Panel may decide the working languages for those proceedings, as appropriate and with full respect for the rights of the accused. Moreover, Rule 8(3)(a) of the Rules provides that as early in the proceedings as possible, a panel, after hearing the parties and, where applicable, Victims’ Counsel, shall decide which working language(s) shall be used in the proceedings.²

2. On 8 October 2020, the Pre-Trial Judge, on the basis of the parties’ agreement,³ issued a decision determining English as the working language “for the purposes of proceedings under KSC-BC-2020-05”, which continued to apply in the trial phase of the proceedings.⁴ As the Pre-Trial Judge noted, the determination of the working language: (i) is necessary to ensure the fair, efficient, and expeditious conduct of proceedings; (ii) will facilitate the efficient preparation and organisation of a party’s or participant’s submissions; and (iii) will increase the foreseeability and planning capacity of language servicing sections within the Registry and the Specialist Prosecutor’s Office.⁵

¹ F00002/COR, Corrected Version of Decision Assigning a Court of Appeals Panel, 3 January 2023.

² The term “proceedings” is understood as “a judicial cause pending before a Chamber”. See KSC-BC-2020-05, F00032, Decision on Working Language, 8 October 2020 (“Decision on Working Language”), para. 10.

³ KSC-BC-2020-05, F00025, Prosecution submissions on working language for KSC-BC-2020-05, 2 October 2020, para. 7; KSC-BC-2020-05, Transcript, 5 October 2020, p. 27. The Panel notes that all filings submitted by the Parties and all decisions and orders filed prior to the Decision on Working Language were already filed in English. See Decision on Working Language, para. 12.

⁴ KSC-BC-2020-05, F00123, Decision setting the dates for trial preparation conferences and requesting submissions, 20 May 2021, para. 7.

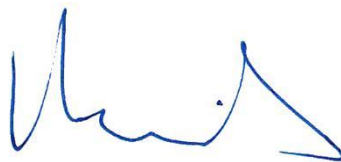
⁵ Decision on Working Language, para. 11.

3. Following the issuance of the Trial Judgment on 16 December 2022,⁶ a new case number, KSC-CA-2023-02, was assigned in relation to the appeal proceedings of the case, in accordance with the relevant Practice Direction.⁷ On 3 January 2023, Mr Salih Mustafa filed in English under the new case number the “Defence urgent motion to extend time limit to file Notice of Appeal”.⁸

4. In light of the above, the Panel finds that it is in the interests of justice to continue using English as the working language during the appeal proceedings of the present case. The Panel also adopts the directions applied during the pre-trial and trial stages of the present case for the purposes of the practical implementation of this decision.⁹

5. For these reasons, the Court of Appeals Panel:

DECIDES that the working language of the present proceedings shall be English.



**Judge Michèle Picard,
Presiding Judge**

Dated this Monday, 9 January 2023

At The Hague, the Netherlands

⁶ F00494, Trial Judgment, 16 December 2022 (confidential) (“Trial Judgment”).

⁷ KSC-BD-15, Registry Practice Direction, Files and Filings before the Kosovo Specialist Chambers, 17 May 2019, Article 8.

⁸ F00001, Defense urgent motion to extend time limit to file Notice of Appeal, 3 January 2023.

⁹ Decision on Working Language, paras 14-30, 31(b)-(c).