



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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 Vladimir Mikula, Reserve Judge

Registrar: Dr Fidelma Donlon

Filed by: Dr Fidelma Donlon

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Public Redacted Version of "Tenth Monthly Registry Report on the Communications Regime for the Accused", filing F00438, dated 20 June 2023

Specialist Prosecutor's Office

Alex Whiting

Counsel for the Accused

Julius von Bóné

Registry

Chief Detention Officer

Victims' Counsel

Anni Pues

I. INTRODUCTION

1. Pursuant to Trial Panel I's decision on the Specialist Prosecutor's request for segregation and other measures ('Segregation Decision'),¹ and the Second and Third Decisions on Review of the Segregation Regime,² the Registrar submits the following report on the system of communications restrictions and their effects on the Accused.

II. PROCEDURAL HISTORY

1. On 19 August 2021, Mr Salih Mustafa ('Mr Mustafa') was segregated pursuant to the Segregation Decision.³ The conditions set out in the Segregation Decision were further clarified and amended through the Panel's decisions on 1 and 10 September 2021,⁴ 19 November 2021,⁵ and 18 February 2022.⁶

2. On 25 April 2022, the Panel decided to discontinue Mr Mustafa's segregation with immediate effect, subject to the necessary logistical and organisational arrangements to be made by the Registrar, and that the other restrictions to the Accused's communications outside of the Specialist Chambers ('SC') Detention Facilities should remain unchanged and therefore subject to the same conditions and

¹ KSC-BC-2020-05, F00162, Decision on Specialist Prosecutor's Request for Segregation and Other Measures, 2 August 2021, confidential and *ex parte*. A confidential, redacted version was issued on 18 August 2021, F00162/CONF/RED, para. 43(d).

² F00323, Second Decision on the Review of the Segregation Regime and Other Measures Imposed on Salih Mustafa, 18 February 2022, confidential ('Second Decision on Review of the Segregation Regime'), para. 24(c); F00394, Confidential Redacted Version of Third Decision on the Review of the Segregation Regime Imposed on Salih Mustafa, 25 April 2022, confidential ('Third Decision on Review of the Segregation Regime'), para 23.

³ F00164, Registry Report on Implementation of the Segregation Decision (F00162), 19 August 2021, confidential.

⁴ F00176, Decision on the 'Registry Report and Submissions Regarding Segregation Decision (F00162)', 1 September 2021, confidential; F00196, Decision on the Defence Request for Termination of Imposed Segregation and Modification of Other Measures on Salih Mustafa, 10 September 2021, confidential ('Decision on Request for Termination of Segregation').

⁵ F00262, Decision on the Review of the Segregation Regime and Other Measures Imposed on Salih Mustafa, 19 November 2021, confidential ('Decision on Review of the Segregation Regime').

⁶ Second Decision on the Review of the Segregation Regime, para. 23.

reporting period by the Registrar, as set out in the Segregation Decision and any subsequent amendments thereto.⁷

3. On 19 May 2022, at the Registrar's request,⁸ the Panel authorised [REDACTED] extra video visits for the Accused for the calendar month of May 2022, [REDACTED].⁹ The Panel further authorised the Registrar to proceed in the same manner [REDACTED] in the future.¹⁰

III. SUBMISSIONS

4. In the Segregation Decision, the Registrar is ordered to submit a consolidated report every 30 days, as of 19 August 2021, or at any time earlier if deemed necessary, on the enforcement of the segregation regime, restrictions on communications, and their eventual effects on the Accused, to the Panel, the Parties, and Victims' Counsel.¹¹

5. The Registrar has filed regular reports with the Panel on the segregation of the Accused, as well as supplemental filings as necessary.¹²

6. Mr Mustafa's segregation was discontinued on 25 April 2022.¹³ As ordered by the Panel, the restrictions on his communications remain unchanged.¹⁴

⁷ Third Decision on Review of the Segregation Regime, para. 23.

⁸ F00409, Ninth Monthly Registry Report on Segregation of the Accused, 13 May 2022, confidential, with one confidential and *ex parte* Annex ('Ninth Report'), paras 15-18.

⁹ Oral Order, 19 May 2022, confidential, p. 4403, line 16 to p. 4404, line 10.

¹⁰ *Ibid.*

¹¹ Segregation Decision, paras 30, 41, 43(d).

¹² F00210, First Monthly Registry Report on Segregation of the Accused, 20 September 2021, confidential, with one confidential and *ex parte* Annex; F00240, Second Monthly Registry Report on Segregation of the Accused, 20 October 2021, confidential, with one confidential and *ex parte* Annex; F00254, Third Monthly Registry Report on Segregation of the Accused, 16 November 2021, confidential, with one confidential and *ex parte* Annex; F00284, Fourth Monthly Registry Report on Segregation of the Accused, 17 December 2021, confidential, with one confidential and *ex parte* Annex; F00293, Fifth Monthly Registry Report on Segregation of the Accused, 20 January 2022, confidential, with one confidential and *ex parte* Annex; F00322, Sixth Monthly Registry Report on Segregation of the Accused, 18 February 2022, confidential, with two confidential and *ex parte* Annexes; F00351, Seventh Monthly Registry Report on Segregation of the Accused, 18 March 2022, confidential, with two confidential and *ex parte* Annexes; F00384, Eighth Monthly Registry Report on Segregation of the Accused, 13 April 2022, confidential, with two confidential and *ex parte* Annexes; F00409, Ninth Report, fn. 8, above.

¹³ Ninth Report, para. 7.

¹⁴ Third Decision on Review of the Segregation Regime, para 23.

7. Accordingly, the Registrar now presents the tenth report on: telephone calls (A), and visits (B) of the Accused, as well as the impact of such measures on him (C) since the Ninth Report was submitted on 13 May 2022 ('reporting period').

A. TELEPHONE CALLS

8. As ordered by the Panel, the restrictions on Mr Mustafa's telephone calls remain unchanged.¹⁵

9. Mr Mustafa is permitted one phone call per day with authorised family members, under active monitoring, for a maximum duration of 30 minutes per call. Calls are authorised from Monday to Friday during working hours, until 20:00 during hearing days, and between 10:00 and 17:00 on Saturdays and Sundays.¹⁶ Mr Mustafa is also permitted two additional telephone calls per week with authorised family members, of 15 minutes each, on weekdays and during working hours only.¹⁷ These restrictions are not applicable to privileged calls with Defence Counsel and his team or certain categories of special visitors.¹⁸

10. [REDACTED].¹⁹ [REDACTED]. [REDACTED]. [REDACTED].²⁰

11. [REDACTED]. [REDACTED].

12. [REDACTED], Mr Mustafa had [REDACTED] telephone calls [REDACTED] during the reporting period, which were actively monitored [REDACTED].²¹ No unauthorised disclosures were identified during the calls.

¹⁵ Third Decision on Review of the Segregation Regime, para 23.

¹⁶ Segregation Decision, para. 37; Decision on Request for Termination of Segregation, para. 23.

¹⁷ Decision on Review of the Segregation Regime, para. 20.

¹⁸ Segregation Decision, para. 33.

¹⁹ [REDACTED].

²⁰ [REDACTED].

²¹ [REDACTED].

B. VISITS

13. As ordered by the Panel, the restrictions on Mr Mustafa's visits remain unchanged.²²

14. Mr Mustafa is permitted a maximum of 10 visits per month, whether in-person or via video or a combination thereof, under active monitoring and with the recording of all visits.²³ In addition to those 10 visits, Mr Mustafa is permitted two additional video visits per month.²⁴ During hearing days, visits are authorised until 20:00.²⁵

15. [REDACTED], Mr Mustafa had [REDACTED] during the reporting period, [REDACTED].²⁶

16. During the reporting period, Mr Mustafa also had [REDACTED].

17. All visits were actively monitored and recorded. No unauthorised disclosures were identified during the visits.

C. IMPACT ON THE ACCUSED

18. [REDACTED].

19. [REDACTED].

²² Third Decision on Review of the Segregation Regime, para 23.

²³ Segregation Decision, paras 34-35.

²⁴ Decision on Review of the Segregation Regime, para. 20.

²⁵ Decision on Request for Termination of Segregation, para. 23.

²⁶ [REDACTED. [REDACTED]. [REDACTED]; *see also* [REDACTED]. [REDACTED].

IV. CLASSIFICATION

20. This filing is submitted as confidential pursuant to Rule 82(4) of the Rules.²⁷

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Dr Fidelma Donlon
Registrar

Tuesday, 31 January 2023
At The Hague, the Netherlands

²⁷ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3, 2 June 2020 ('Rules').