



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-CA-2023-02

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 7 February 2023

Language: English

Classification: Confidential

Decision Assigning a Court of Appeals Panel

Judges of the Court of Appeals Panel:

Judge Michèle Picard

Judge Kai Ambos

Judge Nina Jørgensen

Acting Specialist Prosecutor:

Alex Whiting

Counsel for Salih Mustafa:

Julius von Boné

Victims' Counsel:

Anni Pues

THE PRESIDENT of the Specialist Chambers (“President”), noting Articles 33(1)(c) and 46(1) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rules 172 and 173(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”) and Rules 3 and 4 of the Rules on Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Court of Appeals Panel to decide on the “Defence Notice of Appeal pursuant to Rule 176 (of Rules of Procedure and Evidence) against the Judgment of the Trial Panel I of 16 December 2022” (“Notice of Appeal”).¹

I. PROCEDURAL BACKGROUND

1. On 16 December 2022, Trial Panel I rendered the “Trial Judgment”, wherein it, *inter alia*, convicted Mr Salih Mustafa of arbitrary detention, torture and murder as war crimes and acquitted him of cruel treatment as a war crime.² The Trial Panel sentenced Mr Mustafa to 26 years of imprisonment.³

2. On 3 January 2023, Mr Mustafa filed a request for an extension of time to file his notice of appeal (“Request”).⁴

3. On 9 January 2023, a Court of Appeals Panel assigned to adjudicate the Request granted Mr Mustafa an extension until 3 February 2023.⁵

¹ F00006, Defence Notice of Appeal pursuant to Rule 176 (of Rules of Procedure and Evidence) against the Judgment of the Trial Panel I of 16 December 2022, 2 February 2023 (confidential).

² KSC-BC-2020-05/F00494, Trial Judgment, filed 16 December 2022 (confidential), para. 831. A public redacted version of the Trial Judgment was filed on 19 January 2023. See KSC-BC-2020-05/F00494/RED. A corrected version of the public redacted version was filed on 24 January 2023. See KSC-BC-2020-05/F00494/RED/COR.

³ Trial Judgment, para. 831.

⁴ F00001, Defense Urgent Motion to Extend Time Limit to File Notice of Appeal, 3 January 2023.

⁵ F00004, Decision on Defence Motion for Variation of Time Limit to File Notice of Appeal, 9 January 2023.

4. On 2 February 2023, Mr Mustafa filed the Notice of Appeal.⁶

II. CLASSIFICATION

5. The Notice of Appeal is classified as confidential. The present decision will therefore bear the same classification in accordance with Rule 82(4) of the Rules, until it is reclassified in due course consistent with Rule 3(4) of the Rules on Assignment.

III. ASSIGNMENT

6. Having considered the criteria set forth in Rule 4(2) of the Rules on Assignment, including relevant experience and expertise as well as availability at this time,

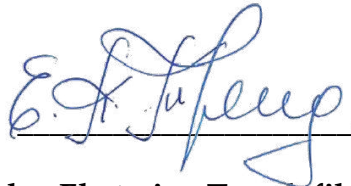
THE PRESIDENT HEREBY ASSIGNS:

Judge Michèle Picard

Judge Kai Ambos

Judge Nina Jørgensen

to the Court of Appeals Panel to decide on the appeal against the trial judgment.



**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Tuesday, 7 February 2023
At The Hague,
The Netherlands

⁶ See Notice of Appeal. The President notes that Mr Mustafa filed the Notice of Appeal before a previously constituted Court of Appeals Panel, which ceased to exist after this filing. Accordingly, the President shall assign a Court of Appeals Panel to decide the appeal against the Trial Judgment, in accordance with Article 33(1)(c) of the Law and Rule 172 of the Rules.