



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: Fidelma Donlon

Date: 14 March 2023

Language: English

Classification: **Public**

**Order for submissions on the application of redactions in filings
F00444/COR/RED, F00456/COR/RED, F00475/RED and F00503/A01**

To be notified to:

Acting Specialist Prosecutor
Alex Whiting

Counsel for the Accused
Julius von Bóné

Registry
Fidelma Donlon

Victims' Counsel
Anni Pues

TRIAL PANEL I (Panel) hereby renders this order for submissions on the application of redactions in filings F00444/COR/RED, F00456/COR/RED, F00475/RED and F00503/A01.

I. PROCEDURAL BACKGROUND

1. On 15 December 2022, the Panel rendered an order for submissions by the Parties, Victims' Counsel and the Registrar on the reclassification of filings and/or submission of public and/or confidential redacted versions of filings by 31 January 2023 (15 December 2022 Order).¹
2. On 16 December 2022, the Panel issued the Trial Judgment in the present case.²
3. On 27 January 2023, Victims' Counsel filed submissions pursuant to the 15 December 2022 Order.³

II. APPLICABLE LAW

4. The Panel notes Articles 21(2), 22(3) and (8), 23(1), 33(1)(b), 40(2) and (4), and 44(6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office (Law), and Rules 9(5)(a), 76, 80, 82 and 84(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (Rules).

¹ KSC-BC-2020-05, F00492, Trial Panel I, *Order for submissions on the reclassification of filings and/or submission of public and/or confidential redacted versions of filings*, 15 December 2022, public.

² KSC-BC-2020-05, F00494/RED/COR, Trial Panel I, *Corrected version of Public redacted version of Trial Judgment*, 16 December 2022, public.

³ KSC-BC-2020-05, F00502, Victims' Counsel, *Victims' Counsel submissions on the reclassification of certain filings and/or submissions of public redacted versions of filings, pursuant to the Trial Panel's order dated 15 December 2022 (F00492)*, 27 January 2023, public.

III. ANALYSIS

5. The Panel recalls that it will issue in due course a Reparation Order pursuant to Articles 22(8) and 44(6) of the Law.⁴

6. In this respect, and mindful of both the principle of publicity and the protection of witnesses and victims, and confidential information, in accordance with Article 23(1) of the Law, the Panel orders Victims' Counsel to provide submissions as to the specific reasons underpinning the redactions applied notably in filings F00444/COR/RED, F00456/COR/RED, F00475/RED and F00503/A01 to the following categories of information, taking into consideration the information already publicly available in the public redacted version of the Trial Judgment and the transcripts in this case:

- i) Victims' codes;
- ii) Witnesses' codes;
- iii) harm suffered by direct and indirect victims;
- iv) assessment of the economic loss; and
- v) the compensation award requested for each victim.

7. If upon reflection, Victims' Counsel decides to present further lesser redacted versions of filings F00444/COR/RED, F00456/COR/RED, F00475/RED, and F00503/A01 she shall do so by Monday, 20 March 2023.

8. Considering the relatively limited scope of the present Order, the Panel finds it appropriate to reduce *proprio motu*, pursuant to Rule 9(5)(a) of the Rules, the time limits for responses and replies established by Rule 76 of the Rules.

⁴ [Trial Judgment](#), paras 762, 831.


IV. DISPOSITION

10. For the above-mentioned reasons, the Panel hereby:

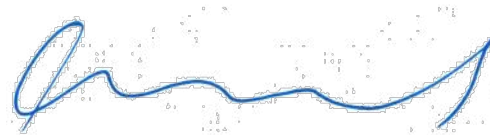
- a) **ORDERS** Victims' Counsel to file submissions as specified in paragraph 6 of this Order, by **Monday, 20 March 2023, at 16:00 hours**;
- b) **ORDERS** Victims' Counsel to submit any further lesser redacted versions of filings F00444/COR/RED, F00456/COR/RED, F00475/RED, and F00503/A01, if she so decides, by **Monday, 20 March 2023, at 16:00 hours**;
- c) **ORDERS** the Defence for Mr Salih Mustafa to respond to Victims' Counsel submissions, if it so wishes, by **Thursday, 23 March 2023, at 16:00 hours**; and
- d) **ORDERS** Victims' Counsel to reply to the Defence for Mr Salih Mustafa's response, if she so wishes, by **Monday, 27 March 2023, at 16:00 hours**.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Tuesday, 14 March 2023

At The Hague, the Netherlands.