

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

Before: A Panel of the Court of Appeals Chambers
Judge Michèle Picard, Presiding
Judge Kai Ambos
Judge Nina Jørgensen

Registrar: Fidelma Donlon

Filing Participant: Defense Counsel for Salih Mustafa

Date: 30 March 2023

Language: English

Classification: Public

**Defense urgent motion to extend time limit
to file Appeal Brief**

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 (“Judgement”) in the case of Mr. Salih Mustafa.¹ On 2 February 2023 the Defense filed a Notice of Appeal². Upon a motion of the Defense to extend the time limit³, the Chamber of the Court of Appeals granted extension for filing the Notice of Appeal by 17 days to 3 February 2023⁴. Accordingly, the date for the filing of the Appeal Brief changed as well.

II. Defense seeks extension of time limit to file the Appeal Brief and extension of number words

2. Pursuant to Rule 179 (1) of the Rules of Procedure and Evidence (“Rules”), the Defense is required to file an Appeal Brief within 60 days of the Notice of Appeal.
3. At an earlier decision in the current case, the Court of Appeals granted an extension on the time limit to file the Notice of Appeal.
4. The Judgment is a very extensive document. It required a thorough analysis. In order to properly elaborate all Grounds of Appeal as set forth in the Defense’s Notice of Appeal, the Defense submits that it needs extra time.
5. The Defense seeks with regard to the filing of the Appeal Brief an extension of the time limit.
6. The Defense submits that in order to work out the 59 Appeal grounds properly, adequately and without any further haste or pressure, the current time limit is too close to properly work on each of the Grounds of Appeal.

¹ KSC-BC-2020-05/F00494, 16 December 2022, Trial Judgement, Trial Panel I.

² KSC-CA-2023-02/F00006, 2 February 2023, Notice of Appeal pursuant to Rule 176 (of the Rules of Procedure and Evidence) against the Judgment of Trial Panel I of 16th of December 2022.

³ KSC-CA-2023-02/F00001, Defense Urgent Motion to Extend Time Limit to File Notice of Appeal, 3 January 2023

⁴ KSC-CA-2023-02/F00004, Decision on Defense Motion for Variation of Time Limit to File Notice of Appeal, 9 January 2023

7. In addition, the Accused has not yet received a final translated version of the judgment and works only from a preliminary translated version. By e-mail of Monday 27th of March, the Registry has informed the Defense that the final version of the translated Judgment is expected on 17 April 2023. In order that any additional changes might be made, the Appellant wishes to ensure that those changes will provide him sufficient time to work on those potential changes. The Appellant wishes to incorporate items, or he might want to change items in the Appeal Brief accordingly.
8. The Defense submits that it is in the interest of the Appellant as well as in the interest of justice that the filing the Appeal Brief on the requested date would provide the Defense and the Appellant ample time to file the Appeal Brief.
9. In addition, the Defense seeks an extra of 10.000 words for the Appeal Brief. The Defense foresees that the current number of words for the document would not suffice.
10. Rule 9 (5) (a) of the Rules provides the Panel to extend or reduce any time limit prescribed by the Rules or set by the Panel.
11. The Defense hereby files this motion and requests, for the reasons set out as above, that the Appeal Brief be filed at the latest by 30th of April 2023.
12. In case the time limits were to be extended, then the Defense submits that the time limits would move for all other parties in the case they wish to respond to the Appeal brief of the Defense. Likewise, any additional words for their respective filings would apply.
13. The Defense submits that the extension it seeks does not impair in any manner the length of the proceedings in an unreasonable manner.

III CONCLUSION

14. The Defense seeks urgently a decision on this motion in order to proceed further.
15. The Defense requests to file its Appeal Brief by the latest on 30th of April 2023.
16. The Defense requests additional 10000 words for its Appeal Brief.
17. The time limits and extension of words, if extended, shall equally apply to all parties in the case.

Word count: 780



Julius von Bóné
Defence Counsel

Tuesday, 30 March 2023
Done at The Hague, the Netherlands