



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

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

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

Registrar: Dr Fidelma Donlon

Filing Participant: Acting Specialist Prosecutor

Date: 1 May 2023

Language: English

Classification: Public

Prosecution request for extension of time to file its Brief in Response

Specialist Prosecutor's Office

Alex Whiting

Counsel for Victims

Anni Pues

Counsel for the Appellant

Julius von Bóné

1. Pursuant to Rule 9(5) of the Rules,¹ the Specialist Prosecutor's Office ('SPO') requests a two-week extension of the 24 May 2023 deadline for its Brief in Response to the Appeal Brief.² The requested extension is: (i) timely, considering that the Appeal Brief was notified on 24 April 2023; and (ii) reasonable and proportionate, including in light of the two extensions of time granted the Defence, resulting in a total of 38 additional days to prepare the Appeal Brief.³
2. There is good cause for the requested extension, which will not prejudice the Defence, will enable a focused and streamlined response, and will ultimately facilitate the Panel's consideration of the Appeal. In particular, the Appeal Brief raises over 50 legal and/or factual basis of appeal, some of which address complex or novel issues before the court. In this respect, the previously granted Defence extensions also militate in favour of this request, noting that the Appellant has had the benefit of more than five weeks additional time to prepare the Appeal Brief. Finally, unstructured, unclear and unsubstantiated submissions in the Appeal Brief – which in some cases depart from the notified grounds – add further difficulty to the Prosecution's task in identifying the points at issue and filing focused, clear and substantiated submissions in response.

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein are to the Rules, unless otherwise specified.

² See Rule 179(2); Defense Appeal Brief pursuant to Rule 179(1) of Rules of Procedure and Evidence ("Rules") with confidential Annex 1 and 2, KSC-CA-2023-02/F00021, 22 April 2023 ('Appeal Brief').

³ Decision on Defense Motion for Variation of Time Limit to File Notice of Appeal, KSC-CA-2023-02/F00004, 9 January 2023, extending the deadline for filing the Notice of Appeal from 17 January 2023 to 3 February 2023 (17 days); Decision on Defence Motion for Variation of Time and Word Limits to File Appeal Brief, KSC-CA-2023-02/F00020, 3 April 2023, extending the deadline for filing the Appeal Brief was from 3 April 2023 to 24 April 2023 (21 days).

Word count: 346



Alex Whiting

Acting Specialist Prosecutor

Monday, 1 May 2023

At The Hague, the Netherlands.