



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: **KSC-CA-2023-02**

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

Registrar: Fidelma Donlon

Date: 17 August 2023

Original language: English

Classification: **Public**

Order Scheduling an Appeal Hearing

Specialist Prosecutor's Office:

Ward Ferdinandusse

Counsel for Salih Mustafa:

Julius von Bóné

Counsel for Victims:

Anni Pues

THE PANEL OF THE COURT OF APPEALS CHAMBER of the Kosovo Specialist Chambers (“Court of Appeals Panel”, “Appeals Panel” or “Panel” and “Specialist Chambers”, respectively),¹ acting pursuant to Article 33(1)(c) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 172 of the Rules of Procedure and Evidence (“Rules”), hereby issues this Order.

1. The Panel notes that Rule 180 of the Rules provides that, “[a]fter the expiry of the time limits for the filing of the briefs provided for in Rule 179, the Court of Appeals Panel may set the date of an appeal hearing, if necessary.”²

2. On 16 June 2023, the briefing was completed regarding Mr Salih Mustafa’s (“Mustafa”) appeal against the Trial Judgment issued in KSC-BC-2020-05.³ Taking into consideration the specific circumstances of this case, the Panel is satisfied that an appeal hearing is necessary and hereby schedules it for **Thursday, 26 October 2023 at 13:30** and **Friday, 27 October 2023 at 9:30**.

3. Moreover, subject to adjustments as appropriate, the schedule for the Appeal Hearing shall be as follows. The Panel notes in this regard that the time allocated for

¹ F00007, Decision Assigning a Court of Appeals Panel, 7 February 2023 (confidential, reclassified as public on 7 February 2023).

² See also KCS-CA-2022-01, F00074, Order Scheduling an Appeal Hearing, 20 October 2022, para. 1.

³ See, notably, KSC-BC-2020-05, F00494/RED3/COR, Further redacted version of Corrected version of Public redacted version of Trial Judgment, 8 June 2023 (confidential version filed on 16 December 2022) (“Trial Judgment”); F00006/RED2, Public Redacted Version of 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, 13 February 2023 (confidential version filed on 2 February 2023); F00021/COR/RED2, Further Public Redacted Version of Corrected Version of Defense Appeal Brief pursuant to Rule 179(1) of Rules of Procedure and Evidence (“Rules”), 15 May 2023 (uncorrected confidential version filed on 24 April 2023, corrected confidential version filed on 2 May 2023); F00026/RED2, Further Public Redacted Version of Victims’ Counsel response to the Defence Appeal Brief F00021, 3 July 2023 (confidential version filed on 5 June 2023); F00027/RED/COR, Corrected version of ‘Public redacted version of Prosecution Brief in Response to Defence Appeal’, KSC-CA-2023-02/F00027/RED, 23 June 2023 (uncorrected confidential version filed on 5 June 2023, uncorrected public redacted version filed on 21 June 2023); F00028/RED, Public Redacted Version of the Defence Brief in Reply to The Prosecutions’ Brief in Response to Defence Appeal and Victims’ Counsel Response to Defence Appeal Brief F00021, 3 July 2023 (confidential version filed on 16 June 2023).

the submissions, responses and reply includes any questions from the Panel which may arise during the hearing.

Thursday, 26 October 2023

13:30-13:40 – Introductory statement by the Presiding Judge (10 minutes)

13:40-15:10 – Submissions of Defence (1 hour 30 minutes)

15:10-15:40 – Break (30 minutes)

15:40-17:10 – Response of SPO (1 hour 30 minutes)

Friday, 27 October 2023

9:30-10:30 – Response of Victims’ Counsel (1 hour)

10:30-10:50 – Reply of Defence (20 minutes)

10:50-11:00 – Optional personal address by Mustafa (10 minutes)

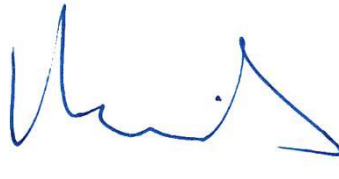
11:00-11:05 – Concluding statement by the Presiding Judge (5 minutes)

4. Finally, in accordance with Rules 68 and 173(3) of the Rules, the Panel instructs the Defence to indicate via email to the Court Management Unit, by **Monday, 16 October 2023 at 16:00**, whether the Accused wishes to participate in the Appeal Hearing, and/or whether the Accused wishes to appear via video-conference. If the Accused does not wish to participate in the Appeal Hearing, the Defence should submit the pertinent waivers, in the same manner and by the same date and time.

5. For these reasons, the Court of Appeals Panel:

SCHEDULES the Appeal Hearing for **Thursday, 26 October 2023 at 13:30** and **Friday, 27 October 2023 at 9:30**; and

INSTRUCTS the Defence to indicate, by **Monday, 16 October 2023 at 16:00**, and in the manner set out above at paragraph 4, whether the Accused wishes to participate in the Appeal Hearing and, if necessary, submit the pertinent waivers.



**Judge Michèle Picard,
Presiding Judge**

Dated this Thursday, 17 August 2023

At The Hague, the Netherlands