



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: 27 November 2023

Original language: English

Classification: **Public**

Order Scheduling the Pronouncement of the Appeal Judgment

Specialist Prosecutor's Office:

Kimberly P. West

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 Appeals Panel is seised of an appeal filed by Mr Salih Mustafa (the “Accused”) against the Trial Panel’s judgment of 16 December 2022.² On 26 and 27 October 2023, the Appeals Panel heard oral submissions from the Parties and Participants, supplementing their respective appellate briefs.³

2. The Appeals Panel notes that, according to Rule 183(2) of the Rules, “[t]he Appeal Judgment, or a summary thereof, shall be pronounced in public in the name of the people of Kosovo, on a date notified to the Parties, and at which they shall be entitled to be present.” Moreover, Rule 183(1) of the Rules states that “[t]he Appeal Judgment shall be pronounced within sixty (60) days of the last submission from the Parties.”

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

² See 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); 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/RED3, Second Further Public Redacted Version of Corrected Version of Defense Appeal Brief pursuant to Rule 179(1) of Rules of Procedure and Evidence (“Rules”), 15 September 2023 (uncorrected confidential version filed on 24 April 2023, corrected confidential version filed on 2 May 2023); F00026/RED3, Second Further Public Redacted Version of Victims’ Counsel response to the Defence Appeal Brief F00021, 15 September 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 (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).

³ Transcript, 26 October 2023, pp. 10-108; Transcript, 27 October 2023, pp. 109-159.


3. The Appeals Panel has decided, taking all of the above factors into account, to render the Appeal Judgment on **Thursday, 14 December 2023 at 9:30**, in public session.

4. In accordance with Rule 183(2) of the Rules, the Appeals Panel also instructs the Parties and Participants to indicate, by **Monday, 4 December 2023 at 16:00**, whether they will be present during the hearing in the courtroom or participate via video-conference. The Defence is instructed to specify this in relation to both Counsel and the Accused.

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

SCHEDULES the pronouncement of the Appeal Judgment for **Thursday, 14 December 2023 at 9:30**; and

INSTRUCTS the Parties and Participants to indicate, by **Monday, 4 December 2023 at 16:00**, whether they will be present in the courtroom during this hearing, as detailed above in paragraph 4.



**Judge Michèle Picard,
Presiding Judge**

Dated this Monday, 27 November 2023

At The Hague, the Netherlands