



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-SC-2024-02

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 17 January 2024

Language: English

Classification: Public

Decision Assigning a Supreme Court Panel

Judges of the Supreme Court Panel:

Judge Ekaterina Trendafilova
Judge Christine van den Wyngaert
Judge Daniel Fransen

Specialist Prosecutor:

Kimberly P. West

Counsel for Salih Mustafa:

Venkateswari Alagendra

THE PRESIDENT of the Specialist Chambers (“President”), noting Articles 33(1)(d), 33(6) and 48(6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Rule 193 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers and Rules 3 and 4 of the Rules on Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Supreme Court Panel to decide on the “Mustafa Urgent Motion for an Extension of Time to File a Request for Protection of Legality” (“Request for an Extension of Time”).¹

I. PROCEDURAL BACKGROUND

1. On 16 December 2022, Trial Panel I rendered the Trial Judgment, wherein it convicted Mr Salih Mustafa of arbitrary detention, torture and murder as war crimes and acquitted him of cruel treatment as a war crime.² The Trial Panel sentenced Mr Mustafa to 26 years of imprisonment.³

2. On 6 April 2023, Trial Panel I issued the “Corrected Version of Public Redacted Version of Reparation Order against Salih Mustafa with 4 Annexes Strictly Confidential and *Ex Parte*”, wherein it ordered Mr Mustafa to pay 207,000 Euro as compensation for the harm inflicted on the victims of the crimes for which he was convicted.⁴

3. On 14 December 2023, the Court of Appeals Panel issued the “Public Redacted Version of the Appeal Judgment”, wherein it affirmed Mr Mustafa’s convictions for arbitrary detention, torture and murder as war crimes, but granted Mr Mustafa’s appeal, in part, against his sentence.⁵ To that end, the Court of Appeals Panel reduced Mr Mustafa’s sentence to 22 years of imprisonment, with credit for time served.⁶

¹ F00001, Mustafa Urgent Motion for an Extension of Time to File a Request for Protection of Legality, 15 January 2024.

4. On 3 January 2024, the Registrar granted Mr Mustafa's request to have his Counsel, Mr Julius von Bóné replaced and appointed Ms Venkateswari Alagenda as his new Counsel.⁷

5. On 15 January 2024, Mr Mustafa requested that he be granted an extension of 180 days to file a request for protection of legality from 14 March 2024, the "deadline for Mr. Mustafa to file [a] request for protection of legality", or, in the alternative, a 90-day extension from the issuance of the Albanian translation of the Trial Judgment.⁸

6. On 17 January 2024, the Specialist Prosecutor filed the "Prosecution response to 'Mustafa Urgent Motion for an Extension of Time to File a Request for Protection of Legality'".⁹

III. ASSIGNMENT

Having considered Article 33(6) of the Law and the criteria set forth in Rule 4(2) of the Rules on Assignment, including relevant experience and expertise as well as availability at this time,

THE PRESIDENT HEREBY ASSIGNS:

Judge Ekaterina Trendafilova, Presiding

Judge Christine van den Wyngaert

Judge Daniel Fransen

² KSC-BC-2020-05/F00494, Trial Judgment, 16 December 2022 (confidential), para. 831. A corrected version was filed on 24 January 2023 and a public redacted version on 8 June 2023.

³ Trial Judgment, para. 831.

⁴ KSC-BC-2020-05/F00517/RED/COR, Corrected Version of Public Redacted Version of Reparation Order against Salih Mustafa with 4 Annexes Strictly Confidential and *Ex Parte*, 6 April 2023, para. 283.

⁵ KSC-CA-2023-02/F00038/RED, Public Redacted Version of Appeal Judgment, 14 December 2023, para. 484.

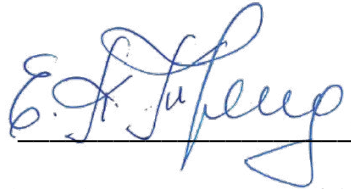
⁶ Appeal Judgment, para. 484.

⁷ Request for an Extension of Time, para. 13.

⁸ Request for an Extension of Time, paras 17, 29.

⁹ Prosecution response to 'Mustafa Urgent Motion for an Extension of Time to File a Request for Protection of Legality', 17 January 2024.

to the Supreme Court Panel to decide on the Request for an Extension of Time and any request for protection of legality, once filed, or related matters.

A handwritten signature in blue ink, appearing to read 'E. Trendafilova', written over a horizontal line.

**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Wednesday, 17 January 2024
At The Hague,
The Netherlands