



File number: KSC-CA-2023-02/R

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 17 January 2024

Language: English

Classification: Public

Decision Assigning a Single Judge

Single Judge:

Judge Gilbert Bitti

Specialist Prosecutor's Office:

Kimberly P. West

Counsel for Salih Mustafa:

Venkateswari Alagendra

Victims' Counsel:

Anni Pues

THE PRESIDENT of the Specialist Chambers (“President”), noting Articles 22(8), 33(2) and 44(6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) 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 Single Judge in furtherance of the “Public Redacted Version of Reparation Order Against Salih Mustafa with 4 Annexes Strictly Confidential and *Ex Parte*” (“Reparation Order” or “Order”).¹

I. PROCEDURAL BACKGROUND

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

2. On 6 April 2023, Trial Panel I issued the Reparation Order, wherein it, *inter alia*, invited the President “to designate a judicial authority which will be in charge of monitoring and overseeing the implementation and execution of this Reparation Order”.⁴

3. On 14 December 2023, the Court of Appeals Panel issued the Appeal Judgment, wherein it affirmed Mr Mustafa’s convictions for arbitrary detention, torture and

¹ KSC-BC-2020-05/F000517/RED, Public Redacted Version of Reparation Order Against Salih Mustafa with 4 Annexes Strictly Confidential and *Ex Parte*, 6 April 2023. A corrected version of the public redacted version of the Reparation Order was filed on 14 April 2023, KSC-BC-2020-05/F00517/RED/COR, paras 252-253.

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

³ Trial Judgment, para. 831.

⁴ See Reparation Order, para. 283(j).

murder as war crimes.⁵ The Court of Appeals Panel granted Mr Mustafa's appeal against the sentence, in part, and reduced it to a single sentence of 22 years of imprisonment, with credit for the time served.⁶

III. ASSIGNMENT

4. As Trial Panel I stated, "its jurisdiction in this case [...] cease[d] with the issuance of this Reparation Order, in line with Article 33(1)(b) of the Law".⁷ Considering that the legal framework of the Specialist Chambers does not provide for a "judicial authority", a Single Judge will be assigned in accordance with Article 33(2) of the Law in view of the specific circumstances of this case. The Single Judge will be assigned to oversee the implementation by the Registrar of the Reparation Order as specified in paragraphs 255-257, 259, 269, and 283(f) of the Order, and receive reports from the Registrar on any action taken before the Crime Victim Compensation Program.

5. Having considered the criteria set forth in Rule 4(2) of the Rules on Assignment, including relevant experience and expertise, the duties performed as Judge Rapporteur, as well as availability at this time,

THE PRESIDENT HEREBY ASSIGNS:

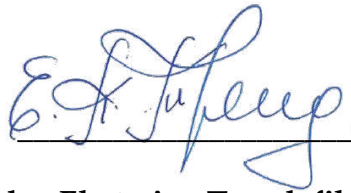
Judge Gilbert Bitti

as Single Judge for the purposes set forth in paragraph 4 of this decision,
for a duration of one year from the issuance of this decision.

⁵ F00038, Appeal Judgment, 14 December 2023, para. 484. A public redacted version was issued on the same day.

⁶ Appeal Judgment, para. 484.

⁷ See Reparation Order, para. 250.

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