

In: KSC-BC-2020-05/R
The Prosecutor v. Salih Mustafa

Before: **Single Judge**
Judge Gilbert Bitti

Registrar: Dr Fidelma Donlon

Filed by: Dr Anni Pues, Victims' Counsel

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Public Redacted Version of Request to set a date for payment of reparations

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I. INTRODUCTION

After the Appeals Panel confirmed the conviction of Salih Mustafa, it is now critical to the victims that the Reparations Order in this case is enforced swiftly. In this submission, Victims' Counsel requests the Single Judge - appointed to act as a judicial authority to oversee the implementation and execution of the Reparations Order of 6 April 2023¹ – to *inter alia* set a deadline for payment of reparations.

II. PROCEDURAL HISTORY

1. On 16 December 2022, the Trial Panel convicted Salih Mustafa of the war crimes of torture, arbitrary detention and murder.² Subsequently, on 6 April 2023, the Trial Panel awarded individual reparations to V05/05, 06/05, 08/05, 09/05, 10/05, 11/05, 12/05 and 13/05 due to the harm done through the crimes and ordered Mustafa to pay reparations. He is liable for a total payment of 207,000 Euros³ and did not appeal the Reparations Order.
2. Mustafa did, however, appeal the Trial Judgment. In the appeal judgment of 14 December 2023, the Panel confirmed the conviction but reduced his overall single sentence from 26 years to 22 years of imprisonment.⁴
3. On 17 January 2024, the President of the Specialist Chambers assigned Judge Gilbert Bitti as a Single Judge to oversee the implementation of the Reparation Order as specified in paragraphs 255-257, 259, 269, and 283(f) of the Reparations Order.⁵

¹ KSC-BC-2020-05/F00517/RED (Trial Panel) *Public redacted version of Reparation Order against Salih Mustafa* (public), 6 April 2023 [hereafter: Reparations Order].

² KSC-BC-2020-05/F00494/RED/COR (Trial Panel) *Trial Judgment* (public), 16 December 2022.

³ KSC-BC-2020-05/F00517/RED, Reparations Order, para 283.

⁴ KSC-CA-2023-02/F00038/RED/ (Appeals Chamber) *Public Redacted Version of Appeal Judgment*, 14 December 2023.

⁵ KSC-CA-2023-02/R001/F00001 (President) *Decision Assigning a Single Judge* (public), 17 January 2024, para 4.

III. SUBMISSIONS

4. The conviction of Mustafa is final and payment of reparations is due.
5. To ensure swift enforcement, it is now critical to determine a time-limit for payment of reparations. The Single Judge is tasked with, *inter alia*, setting a time-limit for payment.⁶ Such time-limit is regardless of Mustafa's potential partial indigence. A liability exists and is due regardless of the financial capabilities of its debtor.
6. It is reasonable in this case to set a time-limit of ten days for payment of the reparations. The Reparations Order was issued more than nine months ago and not subject to an appeal. The Appeals Panel confirmed the conviction of Mustafa, so that no further doubt arises as to the reparations owed. Mustafa has had time to prepare for this payment, it neither comes as a surprise nor at short notice.
7. Setting a deadline, or time-limit, is critical for the following reasons:
 - a. The victims entitled to reparations are awaiting reparation of the harm done through payment. The amounts awarded are [REDACTED] important. Not having access to the means that are meant to ease the harm done perpetuates it.
 - b. Having to wait much further possibly means [REDACTED].
 - c. For the purpose of calculating any statutory interest owed in future on the reparations amount owed will have to be based on the relevant due date. For that, a time-limit is important and the only way to limit the economic damage.

IV. RELIEF REQUESTED

⁶ KSC-BC-2020-05/F00517/RED, Reparations Order, para 283(f); KSC-CA-2023-02/R001/F00001 (President) *Decision Assigning a Single Judge*, para 4.

8. Victims Counsel requests that:

an appropriate time limit, but no more than from this submission 10 days, is set for Salih Mustafa to pay the reparations.

V. CLASSIFICATION

9. This filing includes confidential information that [REDACTED]. Given the nature and content of this filing, Victims' Counsel therefore files this submission as 'confidential'.

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19 January 2024

At The Hague, the Netherlands