



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-SC-2024-02

Before: A Panel of the Supreme Court Chamber
Judge Ekaterina Trendafilova, Presiding
Judge Christine van den Wyngaert
Judge Daniel Fransen

Registrar: Fidelma Donlon

Date: 15 March 2024

Language: English

Classification: Public

Order on the Time-Limits for Submissions

Specialist Prosecutor:

Kimberly P. West

Counsel for Salih Mustafa:

Julius van Bóné

Counsel for Victims:

Anni Pues

THE PANEL OF THE SUPREME COURT CHAMBER of the Kosovo Specialist Chambers (“Supreme Court Panel” or “Panel”), noting Article 48(6) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), and Rules 9(5)(a) and 76 of the Rules of Procedure and Evidence (“Rules”), hereby renders this order.

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.¹ The Trial Panel sentenced Mr Mustafa to 26 years of imprisonment.²

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.³

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.⁴ To that end, the Court of Appeals Panel reduced Mr Mustafa’s sentence to 22 years of imprisonment, with credit for time served.⁵

4. On 17 January 2024, the President assigned the Supreme Court Panel to adjudicate, *inter alia*, any request for protection of legality to be filed by Mr Salih Mustafa.⁶

¹ 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.

² Trial Judgment, para. 831.

5. On 14 March 2024, Mr Mustafa filed the “Defence Request for Protection of Legality with Confidential Annex 1 and 2 pursuant to Article 48 (6) to (8) of the Law and Rule 193 of the Rules” (“Request”).⁷

II. DISCUSSION

6. As previously noted,⁸ aside from the general provision on time limits set forth in Rule 76 of the Rules, the Rules do not establish specific time lines within which the parties are to file responses and replies to requests for protection of legality in accordance with Article 48(6) of the Law. Bearing in mind the nature and scope of the Request, the Panel considers it in the interest of justice to vary the time lines for the responses and reply to the Request, if any, in this particular case as set out below.

III. DISPOSITION

7. In view of the foregoing, the Panel hereby **ORDERS** that

- a) The Specialist Prosecutor’s Office (“SPO”) and Victims’ Counsel shall file their respective responses to the Request, if any, by 15 April 2024; and
- b) Mr Mustafa shall file his reply to the SPO’s and Victims’ Counsel’s responses, if any, within 21 days of notification of the response(s).

³ 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.

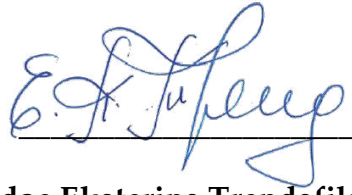
⁴ KSC-CA-2023-02/F00038/RED, Public Redacted Version of Appeal Judgment, 14 December 2023, para. 484.

⁵ Appeal Judgment, para. 484.

⁶ F00003, Decision Assigning a Supreme Court Panel, 17 January 2024.

⁷ F00011, Defence Request for Protection of Legality with Confidential Annex 1 and 2 pursuant to Article 48 (6) to (8) of the Law and Rule 193 of the Rules, 14 March 2024.

⁸ KSC-SC-2023-01/F00004, Order on Time-Limits for Submissions, 4 May 2023, para. 3.

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

**Judge Ekaterina Trendafilova,
Presiding Judge**

Dated this Friday, 15 March 2024
At The Hague,
The Netherlands