



UPDATE

Welcome to the weekly press briefing of the Kosovo Specialist Chambers, this week exceptionally on a Friday because we wanted to not only provide you with an update on the latest developments at the court, but also give you the opportunity to ask questions in regards to today's pronouncement of the trial judgment in the case of Mr. Salih Mustafa.

Trial Panel I today, on 16 December pronounced the judgment in this case exactly three months after the closing of the case.

The Trial Panel found Mr. Mustafa guilty of the war crimes of arbitrary detention, torture and murder and sentenced him to a prison sentence of 26 years. For legal reasons, the Panel acquitted Mr. Mustafa for the crime of cruel treatment.

When pronouncing the judgment, the Trial Panel emphasized that the charges in this case relate solely to the individual criminal responsibility of Mr. Mustafa and his involvement in the alleged war crimes of arbitrary detention, cruel treatment, torture and murder of the victims.

The trial panel also announced that it will issue a reparation order in due course.

In the Thaci et al case, the Pre-Trial Judge yesterday, on 15 December handed over the case file to Trial Panel II. Upon receipt of the case, the Panel scheduled a status conference for today, 16th December to discuss technical issues with the parties in preparation of the trial. The status conference is currently ongoing and can be followed with a 45 minutes delay via the streaming function on the website in the three languages of the court, Albanian, Serbian and English.

In the same case, on 12 December, the Pre-trial Judge issued the "Fourth Decision on Victims' Participation", admitting 21 additional victims to participate in the proceedings. He did not admit 20 further applications because the alleged crimes that these applicants indicated they have suffered from did not seem to correspond to the places and times mentioned in the indictment. In his decision, the Pre-Trial Judge pointed out that his conclusions are without prejudice to any future applications and ruling on their admissibility.

This decision brings the total number of victims currently participating in the proceedings in the Thaci et al case to 53. The Pre-trial Judge determined that the victims admitted in the most recent decision would join the existing group of victims participating in the proceedings, to be represented by the same victims' counsel.

A number of additional applications by victims to participate in the proceedings in this case are still pending a decision on admissibility. On 9 December, the "Tenth Registry Report to the Pre-Trial Judge on Victims'





Applications for Participation in the Proceedings” was submitted, with recommendations to the judge on 10 more applications.

Both the recent decision of the Pre-Trial Judge and the recent Registry report can be accessed on the KSC webpage.

This press briefing will be the last press briefing before the end of the year as the judicial recess starts on Monday, 19 December. The court remains functional during the judicial recess period and work continues across all sections of the KSC. The first press briefing in the New Year will be held on Thursday, 12 January 2023.

Journalist Questions

A journalist asked about the possibility for Mr. Mustafa to appeal the judgment. The spokesperson explained that either party may appeal the judgment and that should a party choose to appeal, they have 30 days to file a notice of appeal. The President of the Specialist Chambers would then assign an Appeals Panel consisting of three judges who were not on the Trial Panel.

During the appeals process, the lawyers of the convicted person, participating victims, as the case may be, and the SPO have the opportunity to present their legal arguments in writing. These can be responded to by the other party and participants. In addition, the Judges may decide to hold public hearings where the lawyers of the convicted person, participating victims, as the case may be, and the SPO present their arguments orally.

A journalist asked where Mr. Mustafa would serve his sentence. The spokesperson explained that it is only after a judgment becomes final, in accordance with the KSC legal framework, that the President of the KSC, having heard the convicted person, shall designate the State where the convicted person shall serve his or her sentence. In the meantime, in terms of potential next steps in this case, the law provides that either party can appeal a judgment on the basis of (i) an alleged error on a question of law; (ii) and alleged error of fact which led to miscarriage of justice; or (iii) an alleged error in sentencing.

