



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

CASE

INFORMATION SHEET

Case No.

KSC-BC-2020-05/KSC-CA-2023-02/KSC-SC-2024-02

Specialist Prosecutor versus:



Salih Mustafa

Current stage:

SUPREME COURT (PROTECTION OF LEGALITY)

ACCUSED/CHARGES

Salih Mustafa

Date of birth: 01/01/1972

Position(s) during the period covered by the indictment:

- Commander of a BIA guerrilla unit, which operated within the Llap Operational Zone of the Kosovo Liberation Army (KLA). According to the indictment, the BIA had its base in a compound in Zllash/Zlaš, in the Gollak region of Kosovo, and was used by the BIA as a safe house and a detention and interrogation site.

Description of charges

This case concern the acts of Salih Mustafa at a compound in Zllash/Zlaš in Kosovo between approximately 1 April 1999 and around the end of April 1999.

According to the indictment, during this period Salih Mustafa and certain other KLA soldiers, police and guards shared a common purpose to interrogate and mistreat detainees at the Zllash/Zlaš detention compound and the common purpose involved the crimes as specified on the right.

Modes of responsibility

Joint criminal enterprise
Direct commission
Ordering
Instigating
Aiding and abetting
Superior criminal responsibility

Counts

1. Arbitrary detention (war crimes)
2. Cruel treatment (war crimes)
3. Torture (war crimes)
4. Murder (war crimes)

CONVICTIONS/REPARATIONS

Trial Judgment, 16 December 2022

The Trial Panel found Salih Mustafa guilty of the war crimes of arbitrary detention, torture and murder (1, 3 and 4) while he was acquitted for the crime of cruel treatment (count 2).

As for the specific modes of liability, Mustafa was found guilty for

- direct commission of the crime of torture (count 3)
- the crime of arbitrary detention (count 1), torture (count 3) and murder (count 4), committed as part of the joint criminal enterprise.

Sentence: 26 years' imprisonment

Reparations order, 6 April 2023

The Panel ordered Mustafa to pay an overall sum of **€207,000** as compensation for the harm inflicted on the victims of the crimes for which he is convicted.

Appeal Judgment, 14 December 2023

The Appeals Panel affirmed Mustafa's convictions for counts 1, 3 and 4 but granted in part the Defence's appeal regarding the length of the sentence.

Sentence: 22 years' imprisonment

TIMELINE

Following his arrest, Mustafa was transferred to the Detention Facilities of the Kosovo Specialist Chambers in The Hague on 24 September 2020. On 28 October 2020, the accused pleaded not guilty to all charges in the indictment.

The trial commenced on 15 September 2021 and lasted until 15 September 2022.

On 16 December 2022, the Trial Panel found the accused guilty and sentenced him to a prison sentence of 26 years.

The reparation order in respect of victims was pronounced on 6 April 2023: The Trial Panel ordered Mustafa to pay a total sum of €207,000 as compensation for the harm inflicted on the victims of the crimes for which he is convicted.

Mustafa appealed the trial judgment and the KSC President accordingly assigned the Court of Appeals Panel to deal with the appeal. The SPO did not appeal the judgment.

On 14 December 2023, the Appeals Panel reduced the sentence from 26 to 22 years of imprisonment. The reparation order was not affected by the judgment as Mustafa had not appealed it.

On 14 March 2024, Mustafa filed his request for protection of legality pursuant to Article 48(6) to (8) of the Law and Rule 193 of the Rules. The request is currently under review by the Supreme Court.

CASE STATISTICS

Pre-trial period length	11 months 22 days
Number of trial days in court	53
Number of witnesses in court	29 (14 for SPO, including 1 rebuttal witness; 15 for Defence)
Number of written witness testimonies	2 (SPO)
Number of participating victims	8
Total time before Basic Court	26 months 22 days
Appeal case length	10 months 12 days

WHO IS WHO IN THIS CASE

PRE-TRIAL JUDGE



Judge Nicolas Guillou

TRIAL PANEL I



Judge Mappie Veldt-Fogla (Presiding Judge)



Judge Roland Dekkers



Judge Gilbert Bitti



Judge Vladimir Mikula (Reserve Judge)

COURT OF APPEALS PANEL



Judge Michèle Picard (Presiding Judge)



Judge Kai Ambos



Judge Nina Jørgensen

SUPREME COURT PANEL



Judge Ekaterina Trendafilova (Presiding Judge)



Judge Christine van den Wyngaert



Judge Daniel Fransen

SPECIALIST PROSECUTOR'S OFFICE (LEAD COUNSEL)



Cezary Michalczuk



Silvia D'Ascoli

DEFENCE (LEAD COUNSEL)



Julius von Bóné

VICTIMS' COUNSEL

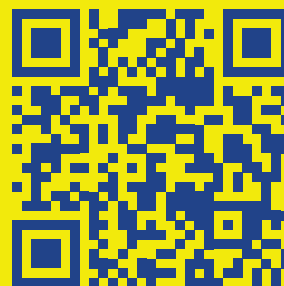


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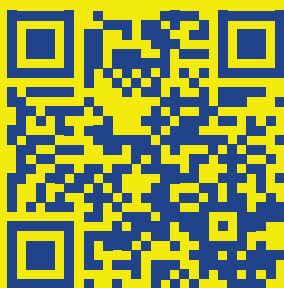
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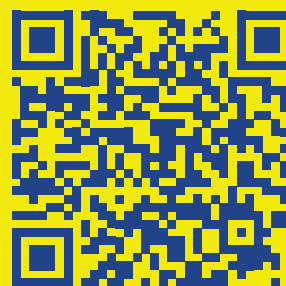
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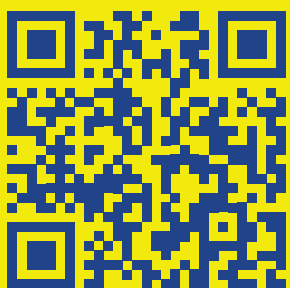
Court Calendar



KSC Live Update



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