



Case Information Sheet

Specialist Prosecutor v. Salih Mustafa (Case No. KSC-BC-2020-05)

SALIH MUSTAFA



Commander of the BIA Guerrilla unit (BIA unit), a unit within the Llap Operational Zone of the Kosovo Liberation Army (KLA).

Indictment

Confirmed on 12 June 2020, the final version made public on 28 September 2020

Please find the confirmed indictment [here](#).

Judges

Pre-Trial Judge: Nicolas Guillou

Trial Panel I: Judges Mappie Veldt-Foglia (presiding), Roland Dekkers, Gilbert Bitti and Vladimir Mikula (reserve)

Arrest/Transfer/ Initial appearance

Arrested on 24 September 2020 in Prishtinë/Priština, Kosovo and transferred to the Hague on the same day; Initial appearance took place on 28 September 2020; Further appearance was held on 28 October 2020: Mustafa pleaded not guilty to all counts.

Background information

The charged crimes took place in the context of and were associated with an armed conflict in Kosovo between the KLA and forces of the Federal Republic of Yugoslavia (FRY) and the Republic of Serbia, including units of the Yugoslav army, police and other units of the Ministry of Internal Affairs, and other groups fighting on behalf of the FRY and Serbia.

The BIA unit allegedly consisted of approximately 500 to 600 soldiers, which operated predominantly in and around large urban areas, such as Prishtinë/Priština and Obiliq/Obilić, and in the Gollak/Goljak region, which includes the village of Zllash/Zlaš. At all times relevant to this indictment, the BIA unit, which Mustafa commanded, operated from a compound consisting of a number of buildings in Zllash/Zlaš. It is alleged that the BIA unit used the compound as a safe house and as a detention and interrogation site (Zllash Detention Compound). The indictment alleges that the crimes charged were committed by certain KLA members against persons detained at the Zllash Detention Compound. The indictment further alleges that the victims of these crimes were all FRY citizens and were persons taking no active part in hostilities.

Charges

Mustafa is charged on the basis of individual criminal responsibility (Article 16(1)(a) of the Law) and on the basis of superior criminal responsibility (Article 16(1)(c) of the Law) with war crimes (arbitrary detention, cruel treatment, torture and murder as found in Article 14 of the Law).

Status of the Case

Trial

Proceedings before the Kosovo Specialists Chambers

PRE-TRIAL PROCEEDINGS

On 14 February 2020, the President assigned Judge Nicolas Guillou as the Pre-Trial Judge, after receipt of a notification by the Specialist Prosecutor of his intent to initiate proceedings.

On 12 June 2020, the Pre-Trial Judge confirmed the indictment against Mustafa and issued the “Arrest Warrant for Mr Salih Mustafa” and the “Order for Transfer to Detention Facilities of the Specialist Chambers”.

On 19 June 2020, the Specialist Prosecutor submitted the confirmed indictment with redactions, as authorised by Pre-Trial Judge.

On 28 September 2020, Mustafa attended his initial appearance before the Pre-Trial Judge. At his further appearance on 28 October 2020, Mustafa pleaded not guilty to all counts of the indictment.

The parties filed (confidentially) the latest versions of their pre-trial briefs on 22 February 2021 (Specialist Prosecutor's Office) and on 6 May 2021 (Defence).

On 30 April 2021, the Pre-Trial Judge granted the applications of five victims and admitted them as victims participating in the proceedings as Group I.

On 7 May 2021, the Pre-Trial Judge transmitted the case file to Trial Panel I.

On 21 May 2021, the Trial Panel granted the application of four more victims and admitted them as victims participating in the proceedings as part of Group I. The Panel also extended the deadline for the victims to apply until the closing of the Specialist Prosecutor's case.

The trial preparation conferences in this case were held on 9 and 10 June 2021.

TRIAL PROCEEDINGS

The trial commenced on 15 September 2021 with the opening statements of the Specialist Prosecutor and the Victims' Counsel.

Defence Counsel

Julius von Bóne (Counsel) and Betim Shala (Co-Counsel)

Victims' Counsel

Group 1
Anni Pues (Counsel)
Liesbeth Zegveld (Co-Counsel)