

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

**Before:** **Trial Panel I**  
Judge Mappie Veldt-Foglia, Presiding Judge  
Judge Roland Dekkers  
Judge Gilbert Bitti  
Judge Vladimir Mikula, Reserve Judge

**Registrar:** Fidelma Donlon

**Filed by:** Anni Pues, Victims' Counsel

**Date:** 2 June 2021

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**Submission for Trial Preparation Conference**

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**Specialist Prosecutor's Office**  
Jack Smith

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Julius von Bóné

**Victims' Counsel**  
Anni Pues

## I. PROCEDURAL BACKGROUND

1. On 30 April 2021, the Pre-Trial Judge issued the “Second Decision on Victims’ Participation”, in which Victims 05/05, 06/05, 07/05, 08/05, and 09/05 were admitted to participate.
2. With assignment letter of 12 May 2021, Anni Pues was appointed as Counsel for the participating victims.
3. On 20 May 2021, Trial Panel I rendered the ‘Decision setting the dates for trial preparation conferences and requesting submissions’.

## II. APPLICABLE LAW

4. Victims’ Counsel notes Article 40(2) and (6) of the Law and Rules 116-119 of the Rules.

## III. SUBMISSION

5. In response to considerations on the necessity for the proper administration of justice and timing of a crime site visit under B<sup>1</sup>:  
A crime site visit is to be welcomed and seems important to develop a better understanding of the conditions on site. The timing may be decided as deemed suitable by the Panel.
6. As to the conduct of proceedings<sup>2</sup>, as a tentative date for the commencement of the trial, it is suggested not to commence before the Courts’ summer recess. Victims’

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<sup>1</sup> *Prosecutor v Salih Mustafa* Decision setting the dates for trial preparation conferences and requesting submissions, KSC-BC-2020-05/F00123, 20 May 2021, para 8 (hereafter: Decision).

<sup>2</sup> Decision, para 9.

Counsel stands ready to start from Mid-August 2021. This will provide the time necessary to fully prepare and appropriately represent victims' interests.

7. Victims' Counsel intends to make an opening statement. It is estimated that this will take no longer than 90 minutes. No visual aids will be used.
8. As to witness issues<sup>3</sup>, it can be confirmed that Victims' Counsel and SPO have been in touch about and will exchange information on dual status witnesses-victims. Necessary support arrangements will be indicated in coordination with the SPO.
9. At this stage, Victims' Counsel cannot comment on the intention to submit any evidence or call expert witnesses. Any plans will be communicated as soon as possible, mindful of the need to ensure effective trial proceedings.
10. Regarding non-oral evidence, Victims' Counsel does in general not object to the admissibility of non-oral evidence. It seems preferable, as a matter of clarity, to decide any admissibility issues at trial.

**Word count: 344**



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**Dr Anni Pues**

**Duty Victims' Counsel**

Wednesday, 2 June 2021

At Bonn, Germany

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<sup>3</sup> Decision, para 10.