



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

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

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

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 6 October 2021

Language: English

Classification: Public

**Prosecution Revised Request for Admission of Exhibits from the Direct
Examinations of W03593 and W04600
with Revised Confidential Annex 1**

Specialist Prosecutor's Office

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Julius von Bóné

Victims' Counsel

Anni Pues

I. INTRODUCTION

1. In compliance with the oral order of the Trial Panel issued on 4 October 2021, the Specialist Prosecutor's Office ('SPO') hereby submits a revised request for the admission of material used with W03593 and W04600 during their direct examinations.

2. Pursuant to the Decision,¹ and Rule 138(1) of the Rules,² the SPO requests the admission of the revised list of exhibits contained in Annex 1 to this Request ('Documents'). The Documents include the portions of prior statements made by W03593 and W04600 that were referred to during their direct examinations, material shown to W03593 and W04600 during their direct examinations, and material marked by W03593 and W04600 during their direct examinations.

3. The Documents are relevant, authentic, have probative value, and their admission would cause no undue prejudice to the Accused.³

4. Pursuant to Rule 82(3), Annex 1 to this Request is filed as confidential in order to protect confidential information in this case.

II. SUBMISSIONS

a. Audio-visual materials

¹ Decision on the conduct of the proceedings, KSC-BC-2020-05/F00170, Public, 26 August 2021, ('Decision') paras 36-38.

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

³ See Rule 138. Unless challenged or *proprio motu* excluded, evidence submitted to the Panel shall be admitted if it is relevant, authentic, has probative value and its probative value is not outweighed by its prejudicial effect.

5. In accordance with the Admissibility Decision,⁴ audio-visual material listed in Annex 1 is tendered with the corresponding transcripts and translations.⁵

b. Previous statements of W03593 and W04600

6. The parts of the transcripts of SPO interviews that were shown to W03593 and W04600 at trial are tendered.⁶

c. Drawings and pictures shown to W03593 and W04600

7. Both W03593 and W04600 were shown, during direct examination, specific drawings and photographs taken from larger packets or booklets.⁷ The complete packets or booklets listed in Annex 1 are tendered in their entirety. Admission of the packet or booklet in their entirety will provide the Panel with a more complete record and context,⁸ including information going to reliability and authenticity. For example, the various cover pages contain information including the purpose for obtaining the exhibits,⁹ the name of the organization that obtained them,¹⁰ and the coordinates of locations photographed.¹¹

d. Exhibits marked by W04600

8. W04600 marked individual photographs and drawings during his direct examination.¹² Where the marked photograph or drawing is part of a larger packet or booklet, the unmarked packet or booklet is tendered in its entirety, in addition to the specific marked photograph or drawing.¹³ Admission of the entire packet or booklet

⁴ Decision on the submission and the admissibility of evidence, KSC-BC-2020-05/F00169, Public, 25 August 2021 ('Admissibility Decision'), para.37.

⁵ Annex 1, items 3-4, 19-20.

⁶ Annex 1, items 3, 19.

⁷ Annex 1, items 1, 5-9, 11, 15, 17.

⁸ Admissibility Decision, para.38.

⁹ Annex 1, items 1, 5, 17.

¹⁰ Annex 1, items 8-9, 11.

¹¹ Annex 1, item 15.

¹² Annex 1, items 10, 12-14, 16, 18.

¹³ Annex 1, items 11-18.

will provide the Panel with a more complete record and context,¹⁴ including additional information going to reliability and authenticity.

III. RELIEF REQUESTED

9. For the foregoing reasons, the SPO requests admission of the exhibits used during the direct examinations of W03593 and W04600 which are listed in the Revised Annex 1.

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Jack Smith
Specialist Prosecutor

Wednesday, 06 October 2021
At The Hague, the Netherlands.

¹⁴ Admissibility Decision, para.38.