



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

**SPO Revised Order of witness testimonies for the months of October, November
and December 2021**

with Confidential Annex 1

Specialist Prosecutor

Jack Smith

Counsel for the Accused

Julius von Bóné

Victims' Counsel

Anni Pues

1. Pursuant to the Decision,¹ as well as in-court submissions,² the Specialist Prosecutor's Office ('SPO') hereby files its revised order of witness testimonies for the months of October, November and December 2021, including revised time estimates for the direct examination of each witness. The revised order is included in Confidential Annex 1 attached to this filing.

2. In reassessing its order of witnesses, the SPO has determined that –considering, *inter alia*, judicial economy, the nature of the evidence and the well-being of the witness– the evidence of W04712 could best be presented pursuant to Rule 153(1) of the Rules.³ The testimony of this witness was initially scheduled as *live* testimony.⁴

3. Mindful of the initial deadlines set by the Trial Panel for the submission of applications under Rule 153 and 155,⁵ the SPO thus seeks the Trial Panel's leave to file an application for the admission of the written statements and transcripts of W04712 in lieu of oral testimony. The detailed submissions relevant to the criteria set out in Rule 153 will be included in that filing. The SPO indicates that it is in a position to file such application by 20 October 2021 or, in any case, whenever ordered by the Trial Panel.

Word count: 294



Jack Smith
Specialist Prosecutor

¹ Decision on the conduct of the proceedings, KSC-BC-2020-05/F00170 ('Decision'), 26 August 2021, para.22.

² Transcript of the hearing of 4 October 2021, pp.931-932.

³ 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.

⁴ See SPO submission concerning the order of witness testimonies for the months of November and December 2021, with Confidential Annex 1, KSC-BC-2020-05/F00198, 13 September 2021.

⁵ Decision on the submission and the admissibility of evidence, KSC-BC-2020-05/F00169, 25 August 2021, para.40.

Wednesday, 6 October 2021

At The Hague, the Netherlands.