



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

In: KSC-BC-2020-07
The Prosecutor v. Hysni Gucati and Nasim Haradinaj

Before: **Trial Panel II**
Judge Charles L. Smith, III, Presiding Judge
Judge Christoph Barthe
Judge Guénaël Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon
Filing Participant: Specialist Prosecutor
Date: 11 October 2021
Language: English
Classification: Public

Prosecution submission of weekly list of witnesses

with Confidential Annex 1

Specialist Prosecutor's Office

Jack Smith

Counsel for Mr Gucati

Jonathan Elystan Rees

Counsel for Mr Haradinaj

Toby Cadman

I. SUBMISSIONS

1. Pursuant to the Order on the Conduct of Proceedings,¹ the Specialist Prosecutor's Office ('SPO') confirms that it intends to call W04841 for the week of 18 October 2021. The SPO intends to further call W04842 as soon as the cross-examination of W04841 is completed.
2. Annex 1 sets out the lists of exhibits that the SPO intends to use with each of the two witnesses.
3. The SPO anticipates that it intends to refer to public filings of the Kosovo Specialist Chambers ('KSC') when examining W04841.²
4. The dates and contents of publicly accessible filings of the KSC are judicially noticeable,³ such that they need not be on an exhibit list in order to be discussed during the hearing. To provide notice of the items to be shown during W04841's examination, these items have been added to the list of exhibits that the SPO intends to use with W04841.⁴ No prejudice is caused to the Defence in this instance, as all four items are publicly available court records and the SPO has previously notified the Defence of

¹ Annex to Order on the Conduct of Proceedings, KSC-BC-2020-07/F00314, 17 September 2021 ('Order on the Conduct of Proceedings'), para.62.

² *Prosecutor v. Mustafa*, Public Redacted Version of Decision on the Confirmation of the Indictment against Salih Mustafa, KSC-BC-2020-05/F00008/RED, 5 October 2020; Annex 2 to Corrected redacted versions of KSC-BC-2020-05/F00002/A02, KSC-BC-2020-05/F00043/A02, 23 October 2020; *Prosecutor v. Thaçi et al.*, Public Redacted Version of 'Request for Arrest Warrant and Related Orders', filing KSC-BC-2020-06/F00005 dated 28 May 2020 with public redacted Annex 1 and public Annexes 2-3', KSC-BC-2020-06/F00005/RED, 17 November 2020; *Prosecutor v. Shala*, Public Redacted Version of the Decision on the Confirmation of the Indictment Against Pjetër Shala, KSC-BC-2020-04/F00007/RED, 12 June 2020 (redacted version notified 6 May 2021).

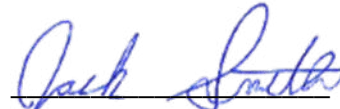
³ Rule 157(1). See similarly ICC, *Prosecutor v. Bemba et al.*, Decision on Prosecution Request for Judicial Notice, ICC-01/05-01/13-1473, paras 3-4, 7; ICC, *Prosecutor v. Bemba et al.*, Decision on Prosecution Motion for Clarification of Rule 68(3) Direction in Conduct of Proceedings Decision, ICC-01/05-01/13-1249, 15 September 2015., paras 5-6.

⁴ Annex 1.

the relevance of these items.⁵ In the alternative, the SPO exceptionally seeks leave to add these items to its list of exhibits for purposes of presenting them to W04841.

5. Annex 1 is submitted as confidential to reflect the current classification of several items referred to therein.⁶

Word count: 490



Jack Smith

Specialist Prosecutor

Monday, 11 October 2021

At The Hague, the Netherlands

⁵ See Prosecution Submissions for third Status Conference, KSC-BC-2020-07/F00165 26 March 2021, para.5; Confidential Annex 1 to Prosecution Submissions for third Status Conference, KSC-BC-2020-07/F00165/A01, 26 March 2021, Confidential, p.3 (requests (e) and (f)); Prosecution request for the filing of a lesser redacted version of KSC-BC-2020-07/F00171 with Strictly Confidential and *Ex Parte* Annex 1, KSC-BC-2020-07/F00232, 14 June 2021, Confidential; Lesser Redacted Version of 'Prosecution request for non-disclosure of certain information requested by the Defence pursuant to Rule 102(3), with strictly confidential and *ex parte* Annexes 1-3', KSC-BC-2020-07/F00154, KSC-BC-2020-07/F00154/CONF/RED2, 17 March 2021, Confidential (redacted version notified 14 June 2021), paras 22-31.

⁶ See Decision on the Classification and Public Redacted Versions of Exhibits Admitted Through the Bar Table, KSC-BC-2020-07/F00350, 5 October 2021.