



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: 1 November 2021
Language: English
Classification: Public

Prosecution submission of updated W04876 information and exhibit list

with Public Annex 1 and Confidential Annex 2

Specialist Prosecutor's Office

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Counsel for Mr Haradinaj

Toby Cadman

I. SUBMISSIONS

1. Pursuant to the Decision¹ and the Order on the Conduct of Proceedings,² the Specialist Prosecutor's Office ('SPO') provides, in Annex 1, updated versions of the: (i) issues, facts and circumstances in relation to which W04876 will be examined; (ii) tentative list of (proposed) exhibits that the SPO intends to use with W04876; and (iii) summary of items to be tendered through W04876 pursuant to Rule 154 of the Rules.³ In the latter, the SPO deleted information/items related to the 9 September 2020 handover of documents, which the Trial Panel has not authorized the SPO to address during W04876's testimony,⁴ added references to translations of the two items the SPO intends to seek admission of pursuant to Rule 154, and added the Exhibit List item number for the document with ERN 102754-102755,⁵ reflecting the only update to the Exhibit List set out in Annex 2.

2. Disclosure of the SPO Official Note concerning a meeting with W04876 on 25 September 2021 and of the Albanian translations of the items the SPO intends to seek admission of pursuant to Rule 154⁶ was completed on 1 November 2021.⁷

3. In view of the Decision and unless otherwise instructed by the Trial Panel, the SPO intends to call W04876 to testify immediately following the completion of W04842's testimony.⁸

¹ Decision on the Prosecution's Second Request for Additions to Its Witness and Exhibit Lists, KSC-BC-2020-07/F00408, 1 November 2021 ('Decision').

² Annex to Order on the Conduct of Proceedings, KSC-BC-2020-07/F00314/A01, 17 September 2021, para.60.

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 Decision, KSC-BC-2020-07/F00408, paras 31-32.

⁵ 102754-102755, SPO Official Note.

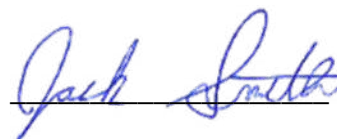
⁶ See Decision, KSC-BC-2020-07/F00408, para.41(c).

⁷ Disclosure Packages 54-55.

⁸ See KSC-BC-2020-07, 28 October 2021 Transcript, p.1741, lns.4-10, p.1744, lns.14-22, p.1754, ln.25 – p.1755, ln.1.

4. Annex 2 is submitted as confidential to reflect the current classification of several items referred to therein.⁹

Word count: 357



Jack Smith

Specialist Prosecutor

Monday, 1 November 2021

At The Hague, the Netherlands

⁹ See Prosecution submissions on classification of exhibits in bar table request, KSC-BC-2020-07/F00298, 6 September 2021; Submissions pursuant to the Trial Panel's Third Oral Order of 8 September 2021, KSC-BC-2020-07/F00324, 24 September 2021.