



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: 30 November 2021

Language: English

Classification: Public

**Prosecution Request for Admission of Exhibits from the Direct Examinations of
W04603, W04669, W04676, W04391, and W04390**

with Confidential Annex 1

Specialist Prosecutor's Office

Jack Smith

Counsel for the Accused

Julius von Bóné

Victims' Counsel

Anni Pues

I. INTRODUCTION

1. Pursuant to the Trial Panel's Decision,¹ and Rule 138(1) of the Rules,² the SPO hereby requests the admission into evidence of the items listed in Annex 1 to this Request ('Documents'). The Documents include the portions of prior statements made by W04603, W04669, and W04676 that were referred to during their direct examinations, as well as material shown to W04669, W04676, W04391, and W04390 during their examinations.

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

3. 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. Previous statements of W04603, W04669, and W04676

4. The parts of the transcripts of SPO interviews that were put to W04603, W04669, and W04676 at trial are tendered into evidence.⁴

b. Documents, photographs, and drawings shown to W04669, W04676, W04391, and W04390

5. W04669, W04676, W04391, and W04390 were shown, during direct examination, specific documents and/or photographs, which were in some cases taken from larger packets.⁵ Some of these packets are tendered in their entirety to provide the Panel with

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.

⁴ Annex 1, items 1, 2, 6.

⁵ Annex 1, items 3-5, 7-8.

a more complete record and context,⁶ including information going to reliability and authenticity. For example, the various cover pages of these documents contain information including how they were obtained and/or their provenance,⁷ as well as the circumstances under which a witness was shown photographs.⁸

III. RELIEF REQUESTED

6. For the foregoing reasons, the SPO requests admission of the exhibits used during the direct examinations of W04603, W04669, W04676, W04391, and W04390 as listed in confidential Annex 1 to this Request.

Word count: 381



Jack Smith
Specialist Prosecutor

Tuesday, 30 November 2021
At The Hague, the Netherlands.

⁶ Admissibility Decision, para.38.

⁷ Annex 1, items 3, 4, 7, 8.

⁸ Annex 1, item 4.