



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: 7 December 2021

Language: English

Classification: Public with confidential Annex

Prosecution notice of disclosure pursuant to Rule 102(4)

Specialist Prosecutor's Office

Jack Smith

Counsel for the Accused

Julius von Bóné

Victims' Counsel

Anni Pues

A. INTRODUCTION

1. Pursuant to Rule 102(4) of the Rules,¹ the Specialist Prosecutor's Office ('SPO') hereby provides notice of disclosure of newly discovered materials ('List of Prisoners' or 'Document').² The materials, which were only discovered on 29 November 2021, are provided in *Confidential* Annex 1 to this Notice of disclosure, in their original version and corresponding English translation.

B. SUBMISSIONS

2. The List of Prisoners comprises several pages which were provided by the International Criminal Tribunal for the Former Yugoslavia ('ICTY') to the Special Investigative Task Force ('SITF'), the precursor of the SPO. The Document lists a number of people as having been detained in the month of April 1999, followed by a number of related handwritten notes. Its content corroborates the evidence heard so far by the Trial Panel in this case, and the SPO does not assess it as containing any exculpatory information.

3. The List of Prisoners was part of a large collection of documents seized by Serb forces from a number of KLA bases around Kosovo, and then handed over to the ICTY. The SITF then received this collection of documents from the ICTY. The Document was part of a binder containing materials pertaining to the territory of the KLA Llap Operational Zone.

4. On 29 November 2021, while running a search for new materials relevant to KSC-BC-2020-05, SPO staff came across a newly uploaded, typed English translation of the List of Prisoners.³ The typed translation was uploaded to ZyLab on 16

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

² U001-0310-U001-0325 and U001-0310-U001-0322-ET. See *Confidential* Annex 1.

³ U001-0310-U001-0322-ET. The translation was uploaded in the database on 16 November 2021. See *Confidential* Annex 1.

November 2021. The original version of the document was not captured in previous evidence reviews conducted in relation to this case.

C. RELIEF REQUESTED

5. For the foregoing reasons, the SPO requests the Trial Panel leave to add the List of Prisoners to its Rule 102(1)(b)(iii) exhibit list.

Word count: 343



Jack Smith

Specialist Prosecutor

Tuesday, 7 December 2021

At The Hague, the Netherlands.