



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: 20 December 2021

Language: English

Classification: Public

**Prosecution Request for Admission of Exhibits from the Direct Examination of
W04674**

with *Confidential* Annex 1

Specialist Prosecutor's Office

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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 W04674 that were referred to during direct examination, as well as material shown to W04674 during the examination.

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. Audio-visual materials

4. In accordance with the Admissibility Decision,⁴ audio-visual material listed in Annex 1 is tendered with the corresponding transcript and translation.⁵

b. Prior statements of W04674

5. The parts of the prior statements and transcripts that were put to W04674 at trial are tendered into evidence.⁶

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 Decision on the submission and the admissibility of evidence, KSC-BC-2020-05/F00169, Public, 25 August 2021 ('Admissibility Decision'), para.37.

⁵ Annex 1, item 3.

⁶ Annex 1, items 1 and 2.

c. Documents and photographs shown to W04674

6. W04674 was shown, during direct examination, specific documents,⁷ and photographs, some of which were taken from larger packets or booklets.⁸ The complete packets or booklets listed in Annex 1 are tendered in their entirety. Admission of the packets or booklets in their entirety will provide the Panel with a more complete record and context,⁹ including information going to reliability and authenticity.

III. RELIEF REQUESTED

7. For the foregoing reasons, the SPO requests admission of the exhibits used during the direct examination of W04674 listed in confidential Annex 1 to this Request.

Word count: 376



Jack Smith
Specialist Prosecutor

Monday, 20 December 2021
At The Hague, the Netherlands.

⁷ Annex 1, item 4.

⁸ See Annex 1, items 5 and 6.

⁹ Admissibility Decision, para.38.