



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: 31 January 2022

Language: English

Classification: Public with confidential annex

**Prosecution Request for Admission of Exhibits from the Direct Examinations of
W04484 and W04485**

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 W04484 and W04485 that were referred to during their direct examinations, as well as material shown to W4484 and W04485 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. Audio-visual materials

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

a. Prior statements of W04484 and W04485

5. The parts of the prior statements and transcripts that were put to W04484 and W04485 at trial are tendered into evidence.⁶

b. Documents and photographs shown to W04484 and W04485

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, items 2 and 5.

⁶ Annex 1, items 1, 4, 7, 8.

6. During direct examination, W04484 was shown one specific document⁷ which is tendered into evidence. W04485 was shown photographs, which were taken from a larger packet.⁸ This packet is tendered in its entirety to 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 examinations of W04484 and W04485 as listed in confidential Annex 1 to this Request.

Word count: 379



Jack Smith
Specialist Prosecutor

Monday, 31 January 2022
At The Hague, the Netherlands.

⁷ Annex 1, item 3.

⁸ Annex 1, item 6.

⁹ Admissibility Decision, para.38.