



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:** 4 February 2022

**Language:** English

**Classification:** Public

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**Prosecution Request for Admission of Exhibits from the Direct Examination of  
W04849**

**with Public Annex 1**

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**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,<sup>1</sup> and Rule 138(1) of the Rules,<sup>2</sup> 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 W04849 that were referred to during his direct examination, as well as material shown to him during his examination.

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

## II. SUBMISSIONS

### a. Audio-visual material

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

### b. Prior statements of W04849

4. The parts of the prior statements and transcripts that were put to W04849 at trial are tendered into evidence.<sup>6</sup>

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<sup>1</sup> Second Decision on the conduct of the proceedings, KSC-BC-2020-05/F00296, Public, 21 January 2022, ('Second Decision') paras 36-38.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> Decision on the submission and the admissibility of evidence, KSC-BC-2020-05/F00169, Public, 25 August 2021 ('Admissibility Decision'), para.37.

<sup>5</sup> Annex 1, item 5.

<sup>6</sup> Annex 1, items 1-4, 6.

c. Document shown to W04849

5. During direct examination, W04849 was shown one map,<sup>7</sup> which is tendered into evidence.

III. RELIEF REQUESTED

6. For the foregoing reasons, the SPO requests admission of the exhibits used during the direct examination of W04849 as indicated in sections a-c above, and as listed in Annex 1 to this Request.

**Word count: 304**



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**Jack Smith**  
**Specialist Prosecutor**

Friday, 4 February 2022  
At The Hague, the Netherlands.

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<sup>7</sup> Annex 1, item 7.