



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: Defence

Date: 4 February 2022

Language: English

Classification: Public

**Defence Request for Admission of Exhibits from the Cross- Examination of
W04849**

with Public 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 Rules 138(1) and 154 of the Rules,² the Defence hereby requests the admission into evidence of the items listed in Annex 1 to this Request ('Documents'). The Documents include prior statements made by W04849 that were referred to during cross-examination, as well as material shown to him during his cross-examination.
2. The Documents are relevant, authentic, have probative value.³

II. SUBMISSIONS

a. Prior statements of W04849 to Defence

3. The prior statements given to Defence that were put to W04849 at trial are tendered into evidence.⁴

b. Document shown to W04849

During cross-examination, W04849 was shown one photograph that formed an attachment at one of the witness statements given to defense⁵ which is tendered into evidence.

III. RELIEF REQUESTED

For the foregoing reasons, the Defense requests admission of the exhibits used during the cross-examination of W04849 as indicated in sections a-b above, and as listed in Annex 1 to this Request

Word count: 356

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



Julius von BÓNÉ
Defence Counsel

¹ Second Decision on the conduct of the proceedings, KSC-BC-2020-05/F00296, Public, 21 January 2022, ('Second Decision') paragraph 21b.

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, item 1.

⁵ Attachment II of defense witness statement DSM00119-00133