



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-04  
**Specialist Prosecutor v. Pjetër Shala**

**Before:** **Trial Panel I**  
Judge Mappie Veldt-Foglia, Presiding  
Judge Roland Dekkers  
Judge Gilbert Bitti  
Judge Vladimir Mikula, Reserve

**Registrar:** Dr Fidelma Donlon

**Filing Party:** Specialist Prosecutor's Office

**Date:** 27 June 2023

**Language:** English

**Classification:** Public

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**Public redacted version of**

**'Prosecution application for the admission of TW4-04's evidence pursuant to Rule 153**

**with confidential Annex 1', dated 14 June 2023, KSC-BC-2020-04/F00546**

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**Specialist Prosecutor's Office**

Alex Whiting

**Counsel for the Accused**

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Simon Laws

## I. INTRODUCTION

1. Pursuant to the Decision on Conduct of Proceedings,<sup>1</sup> the Order,<sup>2</sup> and to Rules 9(5)(a), 138(1), and 153(1) of the Rules,<sup>3</sup> the Specialist Prosecutor's Office ('SPO') hereby requests admission of the evidence of TW4-04 in writing *in lieu* of hearing the witness's oral testimony.
2. The Proposed Evidence<sup>4</sup> is relevant, reliable, probative of issues in this case and suitable for admission through Rule 153, of which it satisfies both the substantive and procedural requirements. The Proposed Evidence does not relate to the acts and conduct of the Accused and is cumulative of the evidence given orally by other witnesses. Admission in written form of the Proposed Evidence will cause no undue prejudice to the Accused and will ensure the efficiency and expeditiousness of the proceedings.
3. Annex 1 contains a chart listing the ERNs of the materials part of the Proposed Evidence.

## II. SUBMISSIONS

### *a. Timing of the request*

4. In the Decision on Conduct of Proceedings, the Trial Panel ('Panel') set 20 March 2023 as the deadline for the filing of applications pursuant to Rule 153, and

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<sup>1</sup> Decision on the conduct of the proceedings, KSC-BC-2020-04/F00434, 24 February 2023, confidential ('Decision on Conduct of Proceedings'), para.69.

<sup>2</sup> Order on the filing of Rule 153 request concerning witness TW4-04 and shortening time limits, KSC-BC-2020-04/F00540, 12 June 2023 ('Order').

<sup>3</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>4</sup> The evidence the SPO seeks to tender is listed in Annex 1 to this Application, and includes SPO Interviews, Prior Statements and Associated Exhibits (collectively referred to as the 'Proposed Evidence'). It also includes a police report (SITF00013348-00013349 RED) which concerns [REDACTED] (SITF00013336-00013347 RED). The police report is tendered for completeness and for credibility assessment purposes.

instructed the Parties to provide reasons for the late filing of applications after that date.<sup>5</sup>

5. As anticipated in its recent submission of updated order of appearance of witnesses,<sup>6</sup> the SPO further reviewed the most appropriate mode of testimony for TW4-04 at the end of TW4-01's testimony. At this time, the SPO no longer deems it necessary to call TW4-04 as a live witness, as his evidence has become cumulative to and corroborative in nature with a substantial body of evidence already part of the trial record. As illustrated below, the evidence of TW4-04 is cumulative with that provided with other witnesses with regard to the existence of a KLA base at the Kukës Metal Factory; the presence of a detention centre within the Kukës Metal Factory; the detention centre's layout; the identity of certain detainees; and Xhemshit KRASNIQI's involvement with detentions.

*b. The Proposed Evidence satisfies the substantive requirements of Rules 138(1) and 153(1)*

(i) The Proposed Evidence does not concern the acts and conduct of the Accused

6. Pursuant to Rule 153(1) of the Rules, the Panel may admit, *in lieu* of oral testimony, the written statement of a witness, or a transcript of evidence and associated exhibits, which goes to proof of a matter other than the acts and conduct of the Accused.<sup>7</sup>

7. The expression 'acts and conduct of the Accused' encompasses exclusively those actions and omissions of the Accused which are described in the charges

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<sup>5</sup> Decision on Conduct of Proceedings, KSC-BC-2020-04/F00434, para.69.

<sup>6</sup> Prosecution submission of updated order of appearance of witnesses, KSC-BC-2020-04/F00521, 24 May 2023, public with confidential Annex, para.4.

<sup>7</sup> Decision on the submission and admissibility of non-oral evidence, KSC-BC-2020-04/F00461, 17 March 2023, paras 32-33; *Specialist Prosecutor v. Salih Mustafa*, KSC-BC-2020-05/F00286RED, Public redacted version of Decision on the Prosecution application pursuant to Rule 153 of the Rules, 17 December 2021 ('*Mustafa* Rule 153 Decision'), para.19.

brought against him, or which are otherwise relied upon to establish his criminal responsibility. Such expression does not encompass the conduct of others which is attributable to the Accused under certain modes of liability.<sup>8</sup> Further, crime-base evidence which does not include information on the Accused's alleged involvement in the charged crimes is admissible through Rule 153.<sup>9</sup>

8. The Proposed Evidence does not relate to the acts and conduct of the Accused. It concerns the existence of a detention centre at the Kukës Metal Factory, providing a description of the factory's layout;<sup>10</sup> it discusses [REDACTED];<sup>11</sup> and it corroborates the presence of certain individuals amongst the prison staff and detainees.<sup>12</sup>

(ii) The Proposed Evidence is cumulative

9. TW4-04's evidence is cumulative to that of witnesses who have testified live in this trial, in particular TW4-01 and TW4-11, whom the Defence had the opportunity to cross-examine. This circumstance militates in favour of the admission of the Proposed Evidence pursuant to Rule 153.<sup>13</sup> In turn, admission of the Proposed Evidence will also assist the Panel's assessment of the evidence of TW4-01 and TW4-11's, whose testimonies are corroborated by TW4-04 in many respects.

10. TW4-04 is a Kosovar Albanian [REDACTED].<sup>14</sup> He used to work as [REDACTED].<sup>15</sup> [REDACTED].<sup>16</sup>

11. On or around [REDACTED] March 1999, TW4-04 left Kosovo together with his family and arrived to Durrës, Albania, where he settled in a camp [REDACTED]

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<sup>8</sup> *Mustafa* Rule 153 Decision, KSC-BC-2020-05/F00286RED, para.19.

<sup>9</sup> *Mustafa* Rule 153 Decision, KSC-BC-2020-05/F00286RED, para.24.

<sup>10</sup> 108826-TR-ET Part 1 RED, pp.6-8.

<sup>11</sup> SITF00013262-00013315 RED, p.2.

<sup>12</sup> 064716-TR-ET Part 5 RED4, pp.27-28, 30, 32.

<sup>13</sup> Rule 153(1)(a)(1) and (2). *See also Mustafa* Rule 153 Decision, KSC-BC-2020-05/F00286RED, paras 25, 27.

<sup>14</sup> SITF00013262-00013315 RED, p.2.

<sup>15</sup> SITF00013262-00013315 RED, p.3; 064716-TR-ET Part 1 RED3, p.6. *See also* SPOE00014669-00014751 RED, p.5; 108826-TR-ET Part 1 RED, p.3.

<sup>16</sup> SITF00013262-00013315 RED, p.2; 064716-TR-ET Part 1 RED3, p.7.

March 1999.<sup>17</sup> On or around [REDACTED], TW4-04 was taken by [REDACTED] and another KLA member in civilian clothes<sup>18</sup> [REDACTED].<sup>19</sup> [REDACTED].<sup>20</sup> [REDACTED],<sup>21</sup> [REDACTED].<sup>22</sup>

12. Around the end of May or beginning of June 1999,<sup>23</sup> TW4-04 was transferred [REDACTED]<sup>24</sup> [REDACTED] to the Kukës Metal Factory,<sup>25</sup> where he was held for approximately [REDACTED].<sup>26</sup> At Kukës, TW4-04 saw many prisoners.<sup>27</sup> TW4-04 saw three rooms where prisoners were held,<sup>28</sup> and [REDACTED].<sup>29</sup> The existence of three rooms within the detention building at the Kukës Metal Factory is corroborative of the live testimonies of TW4-11<sup>30</sup> and TW4-01.<sup>31</sup>

13. The room where TW4-04 was detained was guarded by an armed soldier.<sup>32</sup> The detainees were not allowed to or would not dare talking.<sup>33</sup> [REDACTED],<sup>34</sup>

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<sup>17</sup> SITF00013336-00013347 RED, p.3; SITF00013262-00013315 RED, p.2; SITF00015825-00015925 RED, p.4; SPOE00014669-00014751 RED, p.6.

<sup>18</sup> SITF00013262-00013315 RED, p.2.

<sup>19</sup> SITF00013262-00013315 RED, pp.2-3; SITF00015825-00015925 RED, p.5; SPOE00014669-00014751 RED, pp.7, 11. [REDACTED]: see Transcript (TW4-11), 2 May 2023, pp.1187, 1190-1191.

<sup>20</sup> SITF00013336-00013347 RED, pp.3-4; SITF00013262-00013315 RED, pp.3-4.

<sup>21</sup> SITF00013336-00013347 RED, p.4; SITF00013262-00013315 RED, p.5; SITF00015825-00015925 RED, p.6; SPOE00014669-00014751 RED, pp.12-13.

<sup>22</sup> SITF00013336-00013347 RED, p.4; SITF00013262-00013315 RED, p.8; SITF00015825-00015925 RED, p.14; SPOE00014669-00014751 RED, pp.14, 19.

<sup>23</sup> SPOE00014669-00014751 RED, p.22.

<sup>24</sup> SITF00013262-00013315 RED, p.10; SITF00015825-00015925 RED, p.19; SPOE00014669-00014751 RED, p.19.

<sup>25</sup> 064716-TR-ET Part 5 RED4, p.1.

<sup>26</sup> SITF00013262-00013315 RED, pp.12-13; SITF00015825-00015925 RED, p.30.

<sup>27</sup> SITF00013262-00013315 RED, p.11; 064716-TR-ET Part 3 RED4, p.8; 064716-TR-ET Part 5 RED4, p.11.

<sup>28</sup> 064716-TR-ET Part 5 RED4, p.4.

<sup>29</sup> SITF00015825-00015925 RED, p.19; 064716-TR-ET Part 5 RED4, p.4.

<sup>30</sup> Transcript (TW4-11), 2 May 2023, pp.1197-1199, 1204-1209.

<sup>31</sup> Transcript (TW4-01), 30 May 2023, pp.1426-1429.

<sup>32</sup> SITF00013262-00013315 RED, p.14; SPOE00014669-00014751 RED, p.24.

<sup>33</sup> SITF00013262-00013315 RED, p.11.

<sup>34</sup> SITF00013262-00013315 RED, p.11; SITF00015825-00015925 RED, p.19; SPOE00014669-00014751 RED, p.24.

[REDACTED].<sup>35</sup> This evidence corroborates the evidence of TW4-11<sup>36</sup> and TW4-01<sup>37</sup> on the conditions of detention at the Metal Factory, on the detention building's layout, and on the presence of a guard in the corridor separating the detention rooms within the detention building.<sup>38</sup> The sketch drawn by TW4-04 of the building where he was detained is also consistent with that drawn by TW4-01 with respect to the position of the toilet, separated from the detention building by a narrow path.<sup>39</sup>

14. TW4-04 also states that during his detention at the KLA headquarters in Kukës he once heard shots.<sup>40</sup> At some point during the night, [REDACTED].<sup>41</sup> After the war, TW4-04 learnt that this person was [REDACTED].<sup>42</sup> This evidence corroborates TW4-01's account [REDACTED].<sup>43</sup>

15. TW4-04 also learnt from other prisoners when going to the toilet<sup>44</sup> [REDACTED].<sup>45</sup> TW4-04 was also informed of these events after the war; in particular, he states that [REDACTED].<sup>46</sup>

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<sup>35</sup> SITF00013262-00013315 RED, p.11. *See also* SPOE00014669-00014751 RED, p.24.

<sup>36</sup> *See* Transcript (TW4-11), 2 May 2023, p.1218; Transcript (TW4-11), 3 May 2023, pp.1241, 1289-1290, for TW4-11's testimony on the provision of mattresses; *see also* Transcript (TW4-11), 3 May 2023, p.1243, for TW4-11's testimony on being forbidden to talk.

<sup>37</sup> *See* Transcript (TW4-01), 30 May 2023, pp. 1430-1431, for TW4-01's testimony on the provision of blankets; *see also* Transcript (TW4-01), 30 May 2023, p.1448, for TW4-01's testimony on being forbidden to talk.

<sup>38</sup> *Compare* SPOE00014669-00014751 RED, p.23 and 108826-TR-ET Part 1 RED, pp.6, 8, with Transcript (TW4-11), 2 May 2023, pp.1206-1207; Transcript, (TW4-01), 30 May 2023, pp.1427-1429, 1446; and REG00955.

<sup>39</sup> For TW4-04 *see* 108826-TR-ET Part 1 RED, p.6, and 108816-108825 RED, p.7. For TW4-01 *see* Transcript) TW4-01, 30 May 2023, pp.1445-1446 and REG00954.

<sup>40</sup> SITF00013262-00013315 RED, p.12 (stating that he was afraid 'the bullet would penetrate the wall' and reach him); SITF00015825-00015925 RED, p.22; SPOE00014669-00014751 RED, pp.27-28.

<sup>41</sup> 064716-TR-ET Part 5 RED4, pp.11-13.

<sup>42</sup> 064716-TR-ET Part 5 RED4, pp.13-14.

<sup>43</sup> Transcript (TW4-01), 31 May 2023, pp.1522-1524.

<sup>44</sup> SPOE00014669-00014751 RED, p.28.

<sup>45</sup> SITF00013336-00013347 RED, p.5; SITF00015825-00015925 RED, p.27.

<sup>46</sup> SITF00013262-00013315 RED, p.15; SITF00015825-00015925 RED, p.28; SPOE00014669-00014751 RED, pp.28-29; 064716-TR-ET Part 5 RED4, p.13.

16. [REDACTED], conditions got better<sup>47</sup> as there was a change in the management of the prison,<sup>48</sup> with the arrival of Osman HOXHA.<sup>49</sup> Evidence of [REDACTED] is corroborative of TW4-01's<sup>50</sup> and TW4-11's<sup>51</sup> live evidence, and evidence concerning the changes that occurred [REDACTED] is corroborative of the evidence of TW4-01<sup>52</sup> and W01448.<sup>53</sup>

17. [REDACTED],<sup>54</sup> [REDACTED],<sup>55</sup> [REDACTED].<sup>56</sup> This evidence is corroborative of TW4-01's evidence concerning the detention of [REDACTED].<sup>57</sup> [REDACTED].<sup>58</sup>

18. TW4-04 also attests to the presence of some Roma musicians at the Kukës Metal Factory, who were used to perform manual labour.<sup>59</sup> This evidence is corroborative of that provided by TW4-01, TW4-11, and W01448.<sup>60</sup> TW4-04 also saw TW4-11 in Kukës, whom he stated was detained in a room with other prisoners,<sup>61</sup> as already testified by

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<sup>47</sup> SITF00015825-00015925 RED, pp.27, 30; 064716-TR-ET Part 5 RED4, pp.5, 15-16.

<sup>48</sup> SITF00013262-00013315 RED, p.12, 15; SPOE00014669-00014751 RED, p.28; 064716-TR-ET Part 5 RED4, p.5.

<sup>49</sup> SITF00013262-00013315 RED, pp.12, 15.

<sup>50</sup> Transcript (TW4-01), 30 May 2023, pp.1521-1526; Transcript (TW4-01), 2 June 2023, pp.1656-1657.

<sup>51</sup> Transcript (TW4-11), 2 May 2023, pp.1246-1248.

<sup>52</sup> Transcript (TW4-11), 3 May 2023, pp.1293-1295.

<sup>53</sup> SITF00016140-00016220 RED3, p.8.

<sup>54</sup> SITF00013336-00013347 RED, p.5; SITF00013262-00013315 RED, pp.11-12.

<sup>55</sup> SITF00013262-00013315 RED, p.17; SITF00015825-00015925 RED, p.30; 064716-TR-ET Part 5 RED4, pp.30-31.

<sup>56</sup> SITF00013262-00013315 RED, p.17; SITF00015825-00015925 RED, p.31; 064716-TR-ET Part 5 RED4, p.11. *See also* 064716-TR-ET Part 5 RED4, p.32.

<sup>57</sup> Transcript (TW4-01), 30 May 2023, pp.1434, 1449; Transcript (TW4-01), 2 June 2023, pp.1657-1658. *See also* Transcript (TW4-01), 31 May 2023, pp.1522-1524 [REDACTED].

<sup>58</sup> SITF00015825-00015925 RED, p.20; SPOE00014669-00014751 RED, pp.25-26; 064716-TR-ET Part 5 RED4, pp.28-29.

<sup>59</sup> *See e.g.* SITF00015825-00015925 RED, p.22; SPOE00014669-00014751 RED, p.26; 064716-TR-ET Part 5 RED4, pp.27-28.

<sup>60</sup> Transcript (TW4-01), 6 June 2023, p.1918; Transcript (TW4-11), 2 May 2023, pp.1208-1209; SITF00016221-00016285 RED4, p.5.

<sup>61</sup> 064716-TR-ET Part 5 RED4, p.31.



TW4-11 himself.<sup>62</sup> TW4-04 also provides that doctors were present at the Kukës Metal Factory,<sup>63</sup> which is corroborative of the testimony of TW4-01.<sup>64</sup>

19. TW4-04 was eventually released after being interrogated by [REDACTED].<sup>65</sup> This is corroborative of the evidence of TW4-11, who testified in court that he was questioned by [REDACTED] at the Kukës Metal Factory.<sup>66</sup> It is also cumulative to the evidence of W04848 himself, whose statement the SPO has tendered through Rule 155.<sup>67</sup>

20. TW4-04 stated that the place where he was detained [REDACTED] in Kukës was the army base, where trucks and vehicles could be found,<sup>68</sup> and was used for training.<sup>69</sup> He described the building where he was detained, and its layout,<sup>70</sup> and provided a sketch of it.<sup>71</sup> Evidence of the existence of a detention building within the Kukës Metal Factory is corroborative to that of TW4-10,<sup>72</sup> TW4-11<sup>73</sup> and TW4-01.<sup>74</sup> TW4-04 also described the different buildings within the Metal Factory<sup>75</sup> and identified them on a cadastral map.<sup>76</sup> The sketch and photographs are included among

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<sup>62</sup> Transcript (TW4-11), 2 May 2023, pp.1207-1209.

<sup>63</sup> 064716-TR-ET Part 5 RED4, pp.24-25.

<sup>64</sup> Transcript (TW4-01), 30 May 2023, pp.1412, 1451; Transcript (TW4-01), 31 May 2023, pp.1529, 1535-1536, 1547; Transcript (TW4-01), 2 June 2023, pp.1674-1675; Transcript (TW4-01), 5 June 2023, pp.1833-1834.

<sup>65</sup> SITF00013262-00013315 RED, p.13; SITF00015825-00015925 RED, p.30.

<sup>66</sup> Transcript (TW4-11), 3 May 2023, p.1261.

<sup>67</sup> Prosecution motion for admission of evidence pursuant to Rule 155 with confidential Annexes 1-6, KSC-BC-2020-04/F00463, 20 March 2023, para.29. *See also* SITF00014088-00014120 RED, pp.2-9. The motion is currently pending before the Trial Panel.

<sup>68</sup> 108826-TR-ET Part 1 RED, p.4.

<sup>69</sup> 064716-TR-ET Part 5 RED4, p.2.

<sup>70</sup> 108826-TR-ET Part 1 RED, p.5.

<sup>71</sup> 108826-TR-ET Part 1 RED, pp.5-6; 108816-108825 RED, p.7.

<sup>72</sup> Transcript (TW4-10), 1 May 2023, pp.1035-1052.

<sup>73</sup> Transcript (TW4-11), 2 May 2023, pp.1196-1200, 1204-1207.

<sup>74</sup> Transcript (TW4-01), 30 May 2023, pp.1420-1429.

<sup>75</sup> 064716-TR-ET Part 5 RED4, pp.2-4.

<sup>76</sup> 108826-TR-ET Part 1 RED, pp.6-8.



the Associated Exhibits, which form an integral and inseparable part of the SPO Interviews.<sup>77</sup>

(iii) The Proposed Evidence is reliable, relevant and corroborated by other evidence

21. In addition to being cumulative in nature, the Proposed Evidence is also reliable<sup>78</sup> and relevant to the assessment of the charges and witnesses in this case, thereby satisfying the requirements of Rule 138(1).<sup>79</sup> Because the Proposed Evidence is mainly corroborative of matters testified to by witnesses whom the Defence had the opportunity to cross-examine, its admission will not prejudice the Accused or the fairness of the trial, and will foster expeditiousness and judicial economy.<sup>80</sup>

*c. The Proposed Evidence satisfies the procedural requirements set forth in Rule 153(2)*

22. The Proposed Evidence satisfies the procedural requirements set forth in Rule 153(2). The SPO Interviews are *verbatim* transcripts generated from audio-video recordings of TW4-04's interviews. The DVDs containing these recordings were signed by TW4-04 and by the SPO prosecutors and investigators at the end of the interviews.<sup>81</sup> The SPO Interviews record the date and place where the interviews took place and the persons present during the questioning.<sup>82</sup> An interpreter, whom TW4-04 confirmed he understood, was present during both interviews.<sup>83</sup> On both occasions, TW4-04 confirmed that his statements were accurate, voluntary, and that no promises

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<sup>77</sup> 108816-108825 RED.

<sup>78</sup> In addition to the way in which TW4-04's interviews were recorded, which is discussed in the next section, the Proposed Evidence is reliable as it is corroborated by the evidence of other witnesses, as discussed above.

<sup>79</sup> *Mustafa* Rule 153 Decision, KSC-BC-2020-05/F00286RED, para.33.

<sup>80</sup> *Mustafa* Rule 153 Decision, KSC-BC-2020-05/F00286RED, para.34.

<sup>81</sup> Rule 153(2). The signed DVD, which is contained within a signed and sealed evidence bag, can be made available for inspection as necessary.

<sup>82</sup> 064716-TR-ET Part 1 RED3, p.1; 108826-TR-ET Part 1 RED, p.1.

<sup>83</sup> 064716-TR-ET Part 1 RED3, pp.1-2; 108826-TR-ET Part 1 RED, pp.1-2.

or guarantees had been given to him in exchange for his cooperation. He further stated that he had no objections to the manner or process by which the statement was taken.<sup>84</sup>

23. Similarly, the Prior Statements record the date and place in which the interview or testimony took place, as well as the persons in attendance.<sup>85</sup> [REDACTED].<sup>86</sup> [REDACTED].<sup>87</sup> [REDACTED].<sup>88</sup> [REDACTED].<sup>89</sup>

24. The Associated Exhibits are dated and signed by TW4-04, and were discussed with the witness during the SPO Interviews.<sup>90</sup>

25. The Proposed Evidence thus satisfies the procedural requirements set forth in Rule 153(2).<sup>91</sup>

### III. CONCLUSION

26. As demonstrated above, the Proposed Evidence is suitable for submission pursuant to Rule 153, as it does not relate to the acts and conduct of the Accused and it is cumulative in nature with evidence of witnesses whom the Defence confronted at trial. Its admission pursuant to Rule 153 will thus serve efficiency, expeditiousness, and judicial economy without unduly prejudicing the Accused or the fairness of the trial.

27. Finally, the evidence heard so far in the case constitutes good cause for the re-assessment of TW4-04's mode of testimony and the filing of this application after the 20 March 2023 deadline.

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<sup>84</sup> 064716-TR-ET Part 5 RED4, pp.36-37; 108826-TR-ET Part 1 RED, pp.11-12.

<sup>85</sup> SITF00013336-00013347 RED, p.2; SITF00372810-00372850, p.1; SITF00013262-00013315 RED, p.1; SITF00015825-00015925 RED, p.1; SPOE00014669-00014751 RED, p.1.

<sup>86</sup> SITF00013336-00013347 RED, p.12; SITF00372810-00372850, p.3; SITF00013262-00013315 RED, p.18; SITF00015825-00015925 RED, p.49. In relation to SITF00013336-00013347 RED, it appears that TW4-04's signature was provided at a subsequent stage: *see* SITF00013348-SITF00013349 RED.

<sup>87</sup> SITF00013336-00013347 RED, p.12, SITF00372810-00372850, p.3, and SITF00013262-00013315 RED, p.18.

<sup>88</sup> SITF00013336-00013347 RED, p.2; SITF00013262-00013315 RED, p.1; SITF00015825-00015925 RED, pp.2-3; SPOE00014669-00014751 RED, p.3.

<sup>89</sup> SITF00013262-00013315 RED, p.4 (confirming the accuracy of SITF00013336-00013347 RED and explaining the corrections made subsequently).

<sup>90</sup> 108816-108825 RED, p.7.

<sup>91</sup> *Mustafa* Rule 153 Decision, KSC-BC-2020-05/F00286RED, paras 28-31.

IV. CLASSIFICATION

28. Pursuant to Rule 82(3), this filing is classified as confidential as it contains information which could identify protected witnesses in this case. A public redacted version will be filed.

V. RELIEF REQUESTED

29. Based on the foregoing, the SPO requests admission of the Proposed Evidence listed in Annex 1 pursuant to Rule 153.

**Word count: 2,744**



**Alex Whiting**

**Acting Specialist Prosecutor**

Tuesday, 27 June 2023

At The Hague, the Netherlands.