

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

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

Registrar: Dr Fidelma Donlon

Filing Participant: Victims' Counsel

Date: 25 August 2023

Language: English

Classification: Public with Public Annex 1

Victims' Counsel's Request for admission of expert report and associated material

with Public Annex 1

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Counsel for the Accused
Jean-Louis Gilissen

Counsel for Victims
Simon Laws

I. INTRODUCTION

1. Pursuant to the Decision on the submission and admissibility of non-oral evidence,¹ Rule 138(1) and Rule 149(4) of the Rules of Procedure and Evidence,² Victims' Counsel requests the admission of the Forensic Medical Examination expert report and associated material listed in Annex 1 of this request ("the Documents") which were used during his questioning of expert witnesses Karin Duhne-Prinsen and Dr Chayèn Lozano Parra on 21 August 2023.³

2. The Documents are relevant, authentic, and of probative value. Admission of the Documents would cause no undue prejudice to the Accused.

II. CLASSIFICATION

3. This submission and its annex are classified as public as they contain no confidential information.

III. III. SUBMISSIONS

4. Victims' Counsel tenders the Documents used in his examination of expert witnesses Karin Duhne-Prinsen and Dr Chayèn Lozano Parra, both from the *instituut voor Mensenrechten en Medisch Onderzoek* ("iMMO").

5. The first document, consisting of the CVs of both experts, demonstrates the qualifications of the experts and was confirmed as authentic during the proceedings.⁴

6. The second document is the Forensic Medical Examination expert report produced by Karin Duhne-Prinsen and Dr Chayèn Lozano Parra. The report addresses the harm suffered by the subject, its impact on his life, and provides relevant evidence in respect of that impact. It was co-authored and signed by two experts in the fields of psychology and psychiatry, who applied the internationally recognised

¹ *Prosecutor v. Shala*, KSC-BC-2020-04/F00461, Decision on the submission and admissibility of non-oral evidence, 17 March 2023, paras 55-65, esp. paras 56 and 58.

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (Rev. 3), Rules 138(1), 149(4) ("Rules of Procedure and Evidence").

³ Annex 1.

⁴ KSC-BC-2020-04, confidential, Draft Transcript of 21 August 2023, 2256:6-2259:9.

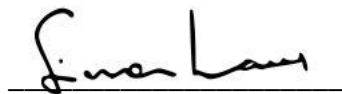
methodology to victims of torture provided by the Istanbul Protocol. The experts explained its contents and confirmed its authenticity during the hearings of 21 August 2023.⁵ The experts were cross-examined by the Defence on their report.⁶ The third document requested for admission is the Albanian translation of this report.

7. The Documents are therefore relevant, authentic, have probative value and their probative value is not outweighed by their prejudicial effect.

IV. RELIEF

8. For the foregoing reasons, Victims' Counsel respectfully requests that the Documents listed in Annex 1 be admitted in evidence.

Word count: 401



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25 August 2023

At The Hague, the Netherlands.

⁵ KSC-BC-2020-04, confidential, Draft Transcript of 21 August 2023, 2259:21-2261:15, 2263:25 and following.

⁶ KSC-BC-2020-04, confidential, Draft Transcript of 21 August 2023, 2296:18 and following.