



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:** 26 September 2023

**Language:** English

**Classification:** Public

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**Prosecution request for admission of exhibits from the SPO's examination of  
DW4-06**

**with confidential Annex 1 and public redacted Annex 2**

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**Specialist Prosecutor's Office**

Ward Ferdinandusse

**Counsel for Victims**

Simon Laws

**Counsel for the Accused**

Jean-Louis Gilissen

## I. INTRODUCTION

1. Pursuant to the Decision on Non-Oral Evidence<sup>1</sup> and Rule 138(1) of the Rules,<sup>2</sup> the Specialist Prosecutor's Office ('SPO') hereby requests the admission of the items listed in Annex 1 to this request ('Documents'). The Documents, listed in Annex 1, include material used with DW4-06 during his cross-examination on 21 September 2023.

2. The Documents are relevant, authentic, have probative value, and their admission would cause no undue prejudice for the Accused.<sup>3</sup> Annex 1 specifies the portions of the trial transcript where each of the Documents is discussed. Annex 2 is the public redacted version of Annex 1.

## II. SUBMISSIONS

3. The SPO tenders nine documents it used during the cross-examination of the witness, namely KLA General Staff Political Declaration no. 7,<sup>4</sup> KLA Central Staff Communiques No. 42 and 43,<sup>5</sup> SPO statement of W04147,<sup>6</sup> two media articles,<sup>7</sup> and four Facebook posts.<sup>8</sup>

4. While the SPO only put paragraph 117 of W04147's statement to DW4-06, the statement should be admitted in its entirety as other parts of it are relevant to the identification of the 'MAHMUTI' referred to in paragraph 117 as Bardhyl MAHMUTI.<sup>9</sup>

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<sup>1</sup> Decision on the submission and admissibility of non-oral evidence, KSC-BC-2020-04/F00461, 17 March 2023, public ('Decision on Non-Oral Evidence'), paras 55-65.

<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 are 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> Annex 1, item 1.

<sup>5</sup> Annex 1, item 4.

<sup>6</sup> Annex 1, item 3.

<sup>7</sup> Annex 1, items 5 and 8.

<sup>8</sup> Annex 1, items 2, 6, 7, 9.

<sup>9</sup> See e.g. paras 42, 55, and 61 of Item 3 (075522-075551).

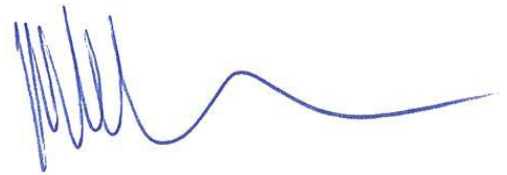
III. CLASSIFICATION

5. Annex 1 is classified as confidential as it contains potentially identifying details about an individual whose identity should not be revealed to the public.

IV. RELIEF REQUESTED

6. For the foregoing reasons, the SPO requests admission of the exhibits listed in Annex 1 to this request.

**Word count: 355**



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**Ward Ferdinandusse**  
**Acting Specialist Prosecutor**

Tuesday, 26 September 2023  
At The Hague, the Netherlands.