



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-04-84-PT
Date: 17 May 2005
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge Hans Henrik Brydesholt
Judge Albin Eser

Registrar: Mr. Hans Holthuis

Order of: 17 May 2005

PROSECUTOR

v.

**Ramush HARADINAJ
Idriz BALAJ
Lahi BRAHIMAJ**

**SCHEDULING ORDER FOR HEARING ON RAMUSH
HARADINAJ'S MOTION FOR PROVISIONAL RELEASE**

The Office of the Prosecutor:

Ms. Carla Del Ponte
Mr. Dermot Groome
Ms. Marie Tuma

Accused / Counsel for the Accused:

Ramush Haradinaj

Mr. Rodney Dixon
Mr. Ben Emmerson
Mr. Conor Gearty
Mr. Michael O'Reilly

TRIAL CHAMBER II (“Trial Chamber”) of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“Tribunal”);

BEING SEISED OF the “Defence Motion on Behalf of Ramush Haradinaj for Provisional Release” (“Motion”), filed by counsel for Ramush Haradinaj (“Defence”) on 21 April 2005;

NOTING the “Prosecution’s Response to Defence Motion on Behalf of Ramush Haradinaj for Provisional Release” (“Response”), filed on 5 May 2005;

FURTHER NOTING the “Defence’s Reply to ‘Prosecution’s Response to Defence Motion on Behalf of Ramush Haradinaj for Provisional Release’”, filed on 12 May 2005, in which the Defence seeks leave to reply to the Response;

ALSO NOTING a submission made by the United Nations Mission (“UNMIK”) to Kosovo for consideration of the Trial Chamber, received on 17 May 2005;

CONSIDERING that according to Rule 126*bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”), a Trial Chamber may grant leave for a party to file a response;

CONSIDERING that according to Rule 65(B) of the Rules, the provisional release of an accused may only be ordered by a Trial Chamber after giving the host country and the State to which the accused seeks to be released the opportunity to be heard and only if the Trial Chamber is satisfied that the accused will appear for trial and, if released, will not pose a danger to any victim, witness or other person;

CONSIDERING that Ramush Haradinaj seeks to be provisionally released to Kosova/Kosovo, a territory in which UNMIK is the authority entrusted with ensuring public safety and conducting border monitoring, and therefore, as the guarantor of public safety and order, the appropriate authority to provide the Tribunal with any guarantees that the Accused will not flee and that if he does so, he will be arrested;¹

CONSIDERING the submissions made in the Motion, the Response and the Reply, and the submission by UNMIK;

FINDING that it is necessary to hold a hearing prior to taking a decision on the Motion;

¹ See *Prosecutor v. Limaj et al.*, Case No. IT-03-66-AR65, “Decision on Fatmir Limaj’s Request for Provisional Release”, 31 October 2003, para. 25.

PURSUANT TO Rules 54, 65 and 126*bis* of the Rules

HEREBY GRANTS LEAVE to the Defence to file its Reply;

ORDERS

that the Motion for Provisional Release shall be addressed in the presence of Ramush Haradinaj at a hearing to be held on Tuesday, 24 May 2005, at 14:30 hours, in Courtroom III of the Tribunal, at which each of the parties will be allowed fifteen minutes of time to present their submissions;

INVITES

- 1) an authorised representative of UNMIK to appear at that hearing to explain the guarantees UNMIK is able and willing to give in relation to the Motion for Provisional Release, within five minutes of time;
- 2) an authorised representative of the Government of the Kingdom of the Netherlands to appear at that hearing to explain the host country's position *vis-à-vis* the Motion for Provisional Release, within five minutes of time; and

REQUESTS

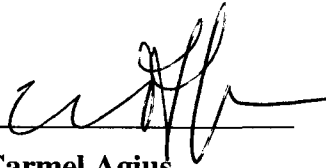
the Registrar to communicate this Order to UNMIK and to the Government of the Kingdom of the Netherlands.

Done in English and French, the English version being authoritative.

Dated this seventeenth day of May 2005

At The Hague

The Netherlands



Carmel Agius
Presiding Judge

[Seal of the Tribunal]