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**UNITED
NATIONS**



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-03-66-T
Date: 30 September 2005
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Krister Thelin
Judge Christine Van Den Wyngaert

Registrar: Mr. Hans Holthuis

Decision of: 30 September 2005

PROSECUTOR

v.

**Fatmir LIMAJ
Haradin BALA
Isak MUSLIU**

DECISION ON THE ADMISSION OF EVIDENCE

The Office of the Prosecutor:

Mr. Alex Whiting
Mr. Julian Nicholls
Mr. Milbert Shin
Mr. Colin Black

Counsel for the Accused:

Mr. Michael Mansfield, QC, and Mr. Karim A. Khan for Fatmir Limaj
Mr. Gregor Guy-Smith and Mr. Richard Harvey for Haradin Bala
Mr. Michael Topolski, QC, and Mr. Steven Powles for Isak Musliu

THIS 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”),

NOTING the “Notice”, filed by the Prosecution on 26 August 2005, notifying this Trial Chamber and the Counsel for the Accused in the instant case, that the Latif Gashi Trial Judgement¹, in evidence as Exhibit P50, has been overturned,

NOTING the “Filing of Supreme Court Decision in Latif Gashi Case”, filed by the Prosecution on 26 September 2005 (“Supreme Court of Kosovo Decision”),

NOTING that the Supreme Court of Kosovo Decision overturns the Latif Gashi Trial Judgement, in evidence in the instant case as Exhibit P50,

PURSUANT to Rules 54 and 89 of the Rules of Procedure and Evidence of this Tribunal,

ORDERS that the Supreme Court of Kosovo Decision be admitted into evidence; and **INSTRUCTS** the Registrar to mark the Supreme Court of Kosovo Decision as a Prosecution Exhibit.

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

Dated this thirtieth day of September 2005
At The Hague
The Netherlands



Judge Kevin Parker
Presiding

[Seal of the Tribunal]

¹ *Prosecutor v. Latif Gashi et al., Verdict*, C. Nr. 425/2001, Dist. Ct. Prishtina, UNMIK, 16 July 2003.