



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

Case No.: IT-04-84-PT

Date: 15 August 2006

Original: English

IN TRIAL CHAMBER II

Before: Judge O-Gon Kwon, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Order of: 15 August 2006

PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

ORDER ON SUBMISSION OF PRE-TRIAL BRIEFS

Office of the Prosecutor

Mr. Gilles Dutertre
Ms. Patricia Sellers
Mr. Gramsci de Fazio
Mr. Phillippe Vallieres-Rolland
Mr. Annes Ahmed

Counsel for Ramush Haradinaj

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

Counsel for Idriz Balaj

Mr. Gregor Guy-Smith

Counsel for Lahi Brahimaj

Mr. Richard Harvey
Mr. Paul Troop

I, O-GON KWON, Judge of Trial Chamber II 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”);

HAVING BEEN APPOINTED, pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence of the Tribunal (“Rules”), as Pre-Trial Judge in this case by the Presiding Judge of Trial Chamber II on 14 July 2006;¹

NOTING that, at the Status Conference of 16 September 2005, then Pre-Trial Judge Brydensholt estimated that trial would begin in November 2006, and stated that “[t]he pre-trial brief from the Prosecution should be in August 2006, and the Defence, similar pre-trial brief in September 2006”;²

BEING SEISED OF the confidential “Prosecution’s Motion Seeking Leave to File Its Pre-Trial Brief by 31 October 2006 with Annex A”, filed on 27 July 2006, in which the Prosecution requests that it be granted an extension of time until 31 October 2006 to file its pre-trial brief;

NOTING the “Confidential Defence Response on Behalf of Ramush Haradinaj to Prosecution’s Motion Seeking Leave to File Its Pre-Trial Brief by 31 October 2006”, filed on 7 August 2006 (“Haradinaj Response”), in which Ramush Haradinaj requests that the time limit for the submission of pre-trial briefs not be set until the next Status Conference, which he suggests could be held in September 2006; and brings to the attention of the Trial Chamber a number of outstanding disclosure-related issues;

NOTING the “Motion by Idriz Balaj Requesting Leave to Join the Confidential Defence Response on Behalf of Ramush Haradinaj to Prosecution’s Motion Seeking Leave to File Its Pre-Trial Brief by 31 October 2006”, filed on 10 August 2006 (“Balaj Response”), in which Idriz Balaj “adopts all arguments” contained in the Haradinaj Response “to the extent they are applicable to Mr. Balaj”;³

NOTING the “Motion by Lahi Brahimag Requesting Leave to Join the Confidential Defence Response on Behalf of Ramush Haradinaj to Prosecution’s Motion Seeking Leave to File Its Pre-Trial Brief by 31 October 2006”, filed on 10 August 2006 (“Brahimag Response”), in which Lahi Brahimag “respectfully requests to be granted leave to join the confidential response filed by the

¹ *Prosecutor v. Haradinaj, Balaj, and Brahimag*, Case No. IT-04-84-PT (“*Haradinaj et al.*”), Order regarding Composition of Trial Chamber and Designating Pre-Trial Judge, 14 July 2006, p. 2.

² *Haradinaj et al.*, Transcript of Status Conference, T. 103 (16 September 2005).

³ Balaj Response, para. 3.

Defence for Ramush Haradinaj and adopts all arguments therein to the extent they are applicable to Mr. Brahimaj”;⁴

NOTING the confidential “Réplique du Procureur à la Réponse de la Défense de MM Haradinaj, I[d]riz Balaj et Lahi Brahimaj concernant la demande du Procureur de pouvoir déposer sa « Pre-Trial B[r]ief » le 31 Octobre 2006”, filed on 11 August 2006, (“Reply”), in which the Prosecution requests leave to reply to the Haradinaj Response, Balaj Response, and Brahimaj Response; submits that it would be impracticable to wait until a Status Conference in September 2006 to set the date for the filing of pre-trial briefs, since Judge Brydensholt has already ordered the Prosecution to file its pre-trial brief by the end of August 2006; and addresses the disclosure-related issues discussed in the Haradinaj Response;

NOTING that no specific relief is sought in respect of the disclosure-related issues in the Haradinaj Response;

CONSIDERING that Rule 65 *ter*(E) provides that the Prosecution shall file the final version of its pre-trial brief “within a time-limit set by the pre-trial Judge and not less than six weeks before the Pre-Trial Conference required by Rule 73 *bis*”; and that Rule 65 *ter*(F) provides that the Defence shall file its pre-trial brief “within a time-limit set by the pre-trial Judge, and not later than three weeks before the Pre-Trial Conference”;

CONSIDERING that trial is currently anticipated to begin not sooner than early 2007;

⁴ Brahimaj Response, para. 3.

PURSUANT TO Rules 50, 65 *ter*, and 126 *bis* of the Rules, hereby order as follows:

1. The Prosecution is granted leave to file the Reply.
2. The Motion is granted, and the Prosecution shall file its pre-trial brief not later than Tuesday, 31 October 2006.
3. Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj shall file their respective pre-trial briefs not later than Tuesday, 14 November 2006.
4. The submissions contained in the Haradinaj Response, Balaj Response, and Brahimaj Response are denied.

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



O-Gon Kwon
Pre-Trial Judge

Dated this fifteenth day of August 2006
At The Hague
The Netherlands

[Seal of the Tribunal]