



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: 13 December 2006

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge O-Gon Kwon, Pre-Trial Judge  
**Registrar:** Mr. Hans Holthuis  
**Order of:** 13 December 2006

**PROSECUTOR**

v.

**RAMUSH HARADINAJ  
IDRIZ BALAJ  
LAHI BRAHIMAJ**

**ORDER ON SUBMISSION OF FUTURE PRE-TRIAL MOTIONS**

**Office of the Prosecutor**

Mr. David Re  
Mr. Gilles Dutertre  
Ms. Patricia Sellers  
Mr. Gramsci di Fazio  
Mr. Anees Ahmed  
Ms. Katrina Gustafson

**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;<sup>1</sup>

**BEING SEISED OF** the “Motion Seeking Leave to Amend the Amended Indictment by Substituting a Revised Second Amended Indictment”, filed on 10 November 2006 (“Motion to Amend the Amended Indictment”), in which the Prosecution seeks leave to amend the Amended Indictment dated 26 April 2006 and declared operative by the “Decision on Motion to Amend the Indictment and on Challenges to the Form of The Amended Indictment” of 25 October 2006 (“First Indictment Decision”);

**NOTING** that, in the First Indictment Decision, the Trial Chamber stated that guidance concerning the deadlines for the submission of the parties’ respective pre-trial briefs would be provided in the Chamber’s decision on the Motion to Amend the Amended Indictment;<sup>2</sup>

**NOTING** the “Order Postponing Deadline for Defence to Respond to Proposed Agreed Facts” of 5 December 2006, in which I noted that the Prosecution has provided Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj (“Accused”) with a list of proposed agreed facts, and set the deadline for the Accused to transmit their respective responses as Tuesday, 9 January 2006;

**NOTING** that the next Rule 65 *ter* conference in this case is scheduled for Thursday, 11 January 2007, and the next status conference is scheduled for Friday, 12 January 2007;<sup>3</sup>

**CONSIDERING** that the pre-trial phase of these proceedings is drawing to an end, as trial may begin as early as February 2007;<sup>4</sup>

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<sup>1</sup> *Prosecutor v. Haradinaj, Balaj, and Brahimaj*, 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.

<sup>2</sup> Indictment Decision, para. 6 n. 20.

<sup>3</sup> *Haradinaj et al.*, Order Scheduling Status Conference, 11 December 2006, p. 1.

<sup>4</sup> *Haradinaj et al.*, Decision on Second Haradinaj Motion to Lift Redactions of Protected Witness Statements with Confidential Annex, 22 November 2006, para. 23. *Accord Haradinaj et al.*, Decision on Motion to Amend the Indictment and on Challenges to the Form of the Amended Indictment, 25 October 2006, para. 11 n. 33; *Haradinaj et al.*, Transcript of Status Conference, T. 187 (13 October 2006).

**CONSIDERING** that the parties have yet to file a number of submissions that should be filed during the pre-trial phase, and that it is therefore now necessary to establish deadlines for these filings, including in respect of pre-trial briefs;

**PURSUANT TO** Rules 54 and 65 *ter* of the Rules, hereby **ORDER** as follows:

1. The Prosecution shall file its pre-trial brief pursuant to Rule 65 *ter*(E) within 14 days of the Trial Chamber's decision on the Motion to Amend the Amended Indictment, and the Accused shall file their respective pre-trial briefs pursuant to Rule 65 *ter*(F) within 14 days of the filing of the Prosecution's pre-trial brief.
2. The following actions shall be completed by Friday, 12 January 2007:
  - a. If it has not already done so, the Prosecution shall complete its disclosure obligations pursuant to Rule 66.
  - b. The Prosecution shall file its motion, if any, pursuant to Rules 92 *bis* and 92 *ter*.
  - c. The Prosecution shall file its motion, if any, pursuant to Rule 94(B).
  - d. The Prosecution shall file its motion, if any, pursuant to Rule 94 *bis*.
  - e. The parties shall endeavour to reach final agreement on agreed facts pursuant to Rule 65 *ter*(H).
  - f. The Accused shall complete their disclosure obligations, if any, pursuant to Rule 67.

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



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O-Gon Kwon  
Pre-Trial Judge

Dated this thirteenth day of December 2006  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**