

IT-04-84-PT
D11915-D11914
09 FEBRUARY 2007

11915 AT



**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: 9 February 2007
Original: English

IN TRIAL CHAMBER I

**Before: Judge Alphons Orie, Presiding
Judge Frank Höpfel
Judge Ole Bjørn Støle**

Registrar: Mr Hans Holthuis

Decision of: 9 February 2007

PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

**DECISION ON PROSECUTION'S REQUEST FOR RECONSIDERATION OR
EXTENSION OF TIME**

Office of the Prosecutor

Mr David Re
Mr Gramsci di Fazio
Mr Gilles Dutertre
Ms Katrina Gustafson

Counsel for Ramush Haradinaj

Mr Ben Emmerson, QC
Mr Rodney Dixon
Mr Michael O'Reilly

Counsel for Idriz Balaj

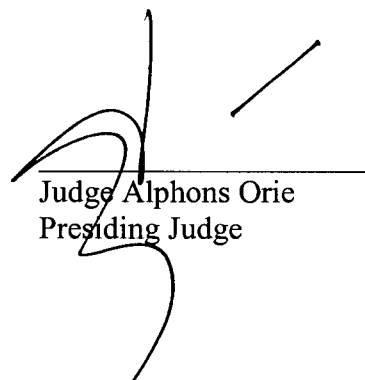
Mr Gregor Guy-Smith
Ms Colleen Rohan

Counsel for Lahi Brahimaj

Mr Richard Harvey
Mr Paul Troop

1. On 6 February 2007 the Chamber, pursuant to Rule 73 bis (D) of the Tribunal's Rules of Procedure and Evidence, requested the Prosecution to make proposals to reduce the scope of the indictment. Later that day the Prosecution sent a memorandum – entitled “Proposed revisions to time estimates for Prosecution's case in chief” – to the Chamber's Senior Legal Officer. The memorandum announced that the Prosecution will rely on 99 witnesses,¹ which is nine fewer than anticipated in annex F of the Prosecution's pre-trial brief of 29 January 2007,² and that those witnesses are expected to consume 125 hours of evidence-in-chief (105 fewer than the total forecast in the pre-trial brief³). The scope of the Prosecution's case, as defined by the indictment, was not affected by the memorandum.
2. On 7 February the Prosecution filed a “Request for Reconsideration and Withdrawal of the Trial Chamber's 6 February 2007 Request and Alternative Request for an Extension of Time”, arguing that because the memorandum had effected a “very substantial reduction” in the expected length of the Prosecution's case, the Chamber should reconsider, and withdraw, its request to the Prosecution for proposals to reduce the indictment's scope. Yet, in the Chamber's view, Rule 73 bis (D) aims to identify reductions in the scope of a case, not merely time savings in the presentation of a case in full. Since the estimate of 125 hours concerns the presentation of the Prosecution's case in accordance with the full indictment, the Chamber remains interested to explore whether a case reduced in accordance with Rule 73 bis (D) may be presented instead. The Chamber sees no reason to reconsider its request to the Prosecution.
3. The Prosecution argues, in the alternative, for a two-day extension of the deadline in which to submit its proposals. The Prosecution makes a reasonable case for additional time to properly review the indictment's many counts, and the extension is hereby granted.

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



Judge Alphons Orie
Presiding Judge

Dated this 9th day of February 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Although only 98 witnesses are shown in the memorandum's annex.

² From which list of 107, one witness had been accidentally deleted, according to the memorandum.

³ Para. 4 of the covering letter to the brief.