D24140 AT

In the Trial Chamber I

Case No. IT-04-84-T
Date : 31 October 2007

IT-04-84-T
01 NOVEMBER 2007

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

Registrar: Mr. Hans Holthuis, Registrar

Public Order

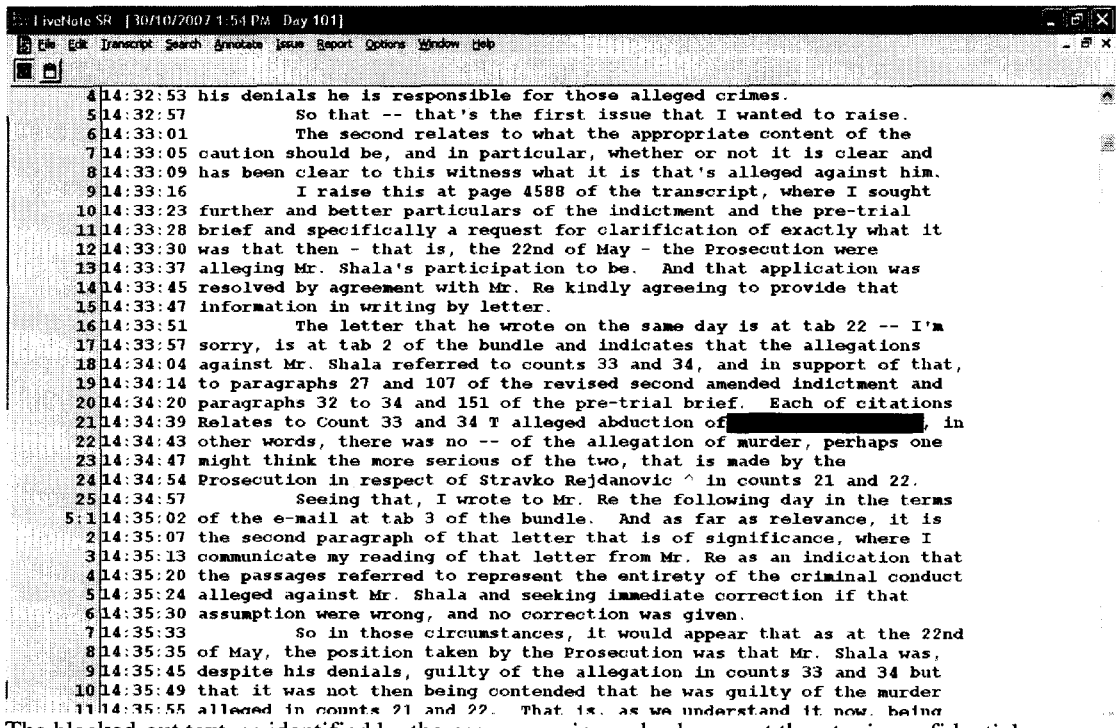
The Prosecutor
v.
Ramush HARADINAJ
Idriz BALAJ
Lahi BRAHIMAJ

Order to Redact the Public Transcript
and the Public Broadcast of a Hearing

The Trial Chamber

(At the request of the Prosecutor / Defence and with the agreement of the parties)

ORDERS that the following blacked-out text be omitted from the public transcript of the hearing dated 30 October 2007 and be edited from the public broadcast of this hearing.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4 14:32:53 his denials he is responsible for those alleged crimes.
5 14:32:57 So that -- that's the first issue that I wanted to raise.
6 14:33:01 The second relates to what the appropriate content of the
7 14:33:05 caution should be, and in particular, whether or not it is clear and
8 14:33:09 has been clear to this witness what it is that's alleged against him.
9 14:33:16 I raise this at page 4588 of the transcript, where I sought
10 14:33:23 further and better particulars of the indictment and the pre-trial
11 14:33:28 brief and specifically a request for clarification of exactly what it
12 14:33:30 was that then - that is, the 22nd of May - the Prosecution were
13 14:33:37 alleging Mr. Shala's participation to be. And that application was
14 14:33:45 resolved by agreement with Mr. Re kindly agreeing to provide that
15 14:33:47 information in writing by letter.
16 14:33:51 The letter that he wrote on the same day is at tab 22 -- I'm
17 14:33:57 sorry, is at tab 2 of the bundle and indicates that the allegations
18 14:34:04 against Mr. Shala referred to counts 33 and 34, and in support of that,
19 14:34:14 to paragraphs 27 and 107 of the revised second amended indictment and
20 14:34:20 paragraphs 32 to 34 and 151 of the pre-trial brief. Each of citations
21 14:34:39 Relates to Count 33 and 34 T alleged abduction of [redacted], in
22 14:34:43 other words, there was no -- of the allegation of murder, perhaps one
23 14:34:47 might think the more serious of the two, that is made by the
24 14:34:54 Prosecution in respect of Stravko Rejdanovic ^ in counts 21 and 22.
25 14:34:57 Seeing that, I wrote to Mr. Re the following day in the terms
5:1 14:35:02 of the e-mail at tab 3 of the bundle. And as far as relevance, it is
2 14:35:07 the second paragraph of that letter that is of significance, where I
3 14:35:13 communicate my reading of that letter from Mr. Re as an indication that
4 14:35:20 the passages referred to represent the entirety of the criminal conduct
5 14:35:24 alleged against Mr. Shala and seeking immediate correction if that
6 14:35:30 assumption were wrong, and no correction was given.
7 14:35:33 So in those circumstances, it would appear that as at the 22nd
8 14:35:35 of May, the position taken by the Prosecution was that Mr. Shala was,
9 14:35:45 despite his denials, guilty of the allegation in counts 33 and 34 but
10 14:35:49 that it was not then being contended that he was guilty of the murder
11 14:35:55 alleged in counts 21 and 22. That is, as we understand it now, being

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Alphons Orie
Presiding Judge

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