

Before: Judge Patrick Robinson, Presiding
Judge Fausto Pocar
Judge Liu Daqun
Judge Andréia Vaz
Judge Theodor Meron

Registrar: Mr. John Hocking

Public Redaction 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

ORDERS that the following blacked out text be omitted from the public transcript of the hearing dated, 28 October 2009 and be edited from the public broadcast of this hearing.

LiveNote SR: (28/10/2009, Appeal Hearing)

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6 11:57:00 the Prosecution applied as they very shortly thrafereds did for a further
7 11:57:03 extension of their case they conceded that it was impossible for the
8 11:57:07 Judges to sit beyond 7.00 and it was impossible for them to sit on the
9 11:57:13 16th. And they sernL never made an application that the Trial Chamber
10 11:57:16 should continue with a witness whose evidence would have taken -- it was
11 11:57:20 listed to have taken three days pch it should have started and had any
12 11:57:27 meaningful attempts to hear the witness's evidence at 7.00 in the
13 11:57:32 evening.
14 11:57:32 Leaving that and all reasons aside, the complaint is in any event
15 11:57:37 completely he devoid of substance because the Trial Chamber gave the
16 11:57:41 Prosecution another opportunity to call the witness a few days later. In
17 11:57:46 other words, the Prosecution made an application on the 16th, the day
18 11:57:50 following the aborted videolink, [REDACTED]
19 [REDACTED]
20 [REDACTED] The Defence objected but again the
21 11:58:03 Trial Chamber overruled Defence objections and ruled in favour of the
22 11:58:07 Prosecution and arrangements were made for the videolink to proceed on
23 11:58:11 the 26th of November. So to -- whatever the position may have been on
24 11:58:15 the evening of the 15th is rather academic, given that a further
25 11:58:21 opportunity was then granted to the Prosecution a few days later.
26 11:58:24 But on the 23rd of November, that is, three days before the
27 11:58:28 videolink was scheduled to take place, the Prosecution informed the
28 11:58:33 Trial Chamber that this witness had been hospitalised on psychiatric
29 11:58:37 grounds and would not be available to testify on the 26th. And the
30 11:58:42 Prosecution said that the psychiatrist was expected to re-assess his
31 11:58:46 state within seven to ten days.
32 11:58:48 Just pausing there for a moment. We're now three days before the
33 11:58:54 date listed for the videolink to take place. The witness is admitted to
34 11:58:58 a psychiatric hospital. The indications are that his state will be
35 11:59:03 re-assessed in seven to ten days, but leaving aside the psychiatric
36 11:59:08 situation we are dealing with a witness who was not prepared to give
37 11:59:11 evidence whether he was brought before a court or not. I'm not standing
38 11:59:14 here in a position to challenge or concede whether he was genuinely

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Patrick Robinson
Presiding Judge