

IT-04-84bis-T
D4159-D4157
26 November 2011

4159
MC

UNITED
NATIONS



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-04-84bis-T
Date: 24 November 2011
Original: English

IN THE TRIAL CHAMBER II

Before: Judge Bakone Justice Moloto, Presiding
Judge Burton Hall
Judge Guy Delvoie
Registrar: Mr John Hocking
Decision: 24 November 2011

PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

PUBLIC

**DECISION ON JOINT SUBMISSION ON THE ADMISSION OF AGREED
EVIDENCE AND AN AGREED FACT WITH ANNEX**

The Office of the Prosecutor:

Mr Paul Rogers

Counsel for the Accused:

Mr Ben Emmerson QC and Mr Rodney Dixon for Ramush Haradinaj
Mr Gregor Guy-Smith and Ms Colleen Rohan for Idriz Balaj
Mr Richard Harvey and Mr Paul Troop for Lahi Brahimaj

THIS TRIAL CHAMBER (“Chamber”) 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”);

NOTING the “Joint Submission on the Admission of Agreed Evidence and an Agreed Fact with Annex” filed publicly on 3 November 2011 (“Joint Submission”), by which the Prosecution and the Defence agreed that there is no need for Dragoslav Stojanović and Mijat Stojanović to appear before the Chamber to testify and that the transcript of the witnesses’ testimonies in the original *Haradinaj* trial, Case No. IT-04-84-T,¹ should be admitted in evidence together with associated exhibits tendered through these witnesses in that case;²

NOTING the Parties’ further submission that the following stipulation (“Agreed Stipulation”) be filed as an agreed fact:

The distance between the place where Mijat Stojanović testified that he was when he saw Ramush Haradinaj, as marked on [65ter No. 03097], and the place where he testified that Mr. Haradinaj was standing, as marked on [65ter No. 03096], is approximately 71.9 metres.

CONSIDERING that the proposed testimonies and associated exhibits are relevant and have probative value;

FOR THE FOREGOING REASONS:

PURSUANT to Rules 89(C) and 89(F) of the Rules of Procedure and Evidence;

DECIDES to admit into evidence the transcript of the testimonies of Dragoslav Stojanović and Mijat Stojanović in the original *Haradinaj* case and the proposed associated exhibits;

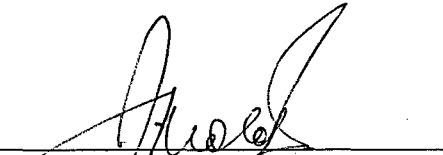
TAKES NOTE of the Agreed Stipulation as an agreed fact;

INVITES the Registry to assign exhibit numbers to the items admitted by this Decision and to assign “under seal” status to those items that were tendered under seal.

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

¹ Documents Rule 65ter Numbers 04011.1 and 04011 for Dragoslav Stojanović; and Document Rule 65ter Number 04025 for Mijat Stojanović.

² Documents Rule 65ter Numbers: 03092, 03093, 03094, 03095, 00031, 00032, 00033, 00034, 00035, 00036, 03109, 03096, 03097, 03098, and 03099.



Judge Bakone Justice Moloto,
Presiding

Dated this twenty-fourth day of November 2011
At The Hague
The Netherlands

[Seal of the Tribunal]