

**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: 2 February 2012
Original: English

IN TRIAL CHAMBER II

Before: Judge Bakone Justice Moloto, Presiding
Judge Burton Hall
Judge Guy Delvoie
Registrar: Mr. John Hocking
Decision: 2 February 2012

PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

PUBLIC

**DECISION ON PROSECUTION MOTION FOR LEAVE TO
REPLACE EXHIBIT IN E-COURT**

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 Criminal 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 its “Decision on Prosecution’s Motion for Admission of Transcripts of Evidence in Lieu of *Viva Voce* Testimony Pursuant to 92*bis*,” issued publicly on 22 July 2011, by which the Chamber admitted the written statement of Branimir Aleksandrić¹ (“Statement”) under Rule 92*bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”);

BEING SEISED OF the Prosecution’s “Motion for Leave to Replace Exhibit in E-Court,” filed publicly on 6 January 2012 (“Motion”), by which the Prosecution notifies the Chamber that, due to an oversight, the version of the Statement uploaded to eCourt does not correspond with the version of the Statement admitted into evidence in the case *Prosecutor v. Haradinaj, et al.*, Case No. IT-04-84-T, in that it does not contain certain redactions agreed upon by the parties in that trial, and seeks leave to replace this document in eCourt;²

NOTING that none of the Accused filed a response to the Motion;

CONSIDERING that the current version of the Statement in eCourt does not correspond to the version of the Statement tendered pursuant to Rule 92*bis*;

FOR THE FOREGOING REASONS and PURSUANT TO Rule 54 of the Rules;

GRANTS the Prosecution leave to replace the current version of the Statement in eCourt with that which was admitted into evidence in the case *Prosecutor v. Haradinaj, et al.*, Case No. IT-04-84-T.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this second day of February 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Document Rule 65*ter* Number 01260.

² Document ID Numbers U016-8487-red and U016-8432-red.