

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: 14 March 2012  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Bakone Justice Moloto, Presiding  
Judge Burton Hall  
Judge Guy Delvoie  
**Registrar:** Mr. John Hocking  
**Decision:** 14 March 2012

**PROSECUTOR**

v.

**RAMUSH HARADINAJ  
IDRIZ BALAJ  
LAHI BRAHIMAJ**

***PUBLIC***

**DECISION ON THE ADMISSION OF VIDEO RECORDINGS  
OF TESTIMONY FOR WITNESSES ADMITTED BY  
AGREEMENT**

**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 Motion for Admission of Agreed Evidence, with Confidential Annex A and Public Annex B”, filed jointly by the Parties on 27 June 2011 (“Joint Motion”) seeking the admission into evidence in the present proceedings of evidence from the case of *Prosecutor v. Haradinaj et al.*, Case No. IT-04-84 set out in Annexes A and B to the motion;

**RECALLING** the Chamber’s oral decision of 17 August 2011 granting the Joint Motion and requesting the Registry to assign exhibit numbers to the documents proposed for admission in Annexes A and B<sup>1</sup>;

**CONSIDERING** that it is submitted in the Joint Motion that the Defence moves that the videos of the witness testimonies listed in Annex A be admitted in addition to their transcripts<sup>2</sup>;

**CONSIDERING** that, as submitted in the Joint Motion, the Prosecution does not object to this request and has indicated that it will request the relevant videos from the Tribunal’s Audio Visual Unit<sup>3</sup>;

**NOTING** further 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 Parties 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, should be admitted in evidence together with associated exhibits tendered through these witnesses in that case;

**RECALLING** the Chamber’s “Decision on Joint Submission on the Admission of Agreed Evidence and an Agreed Fact with Annex” issued publicly on 24 November 2011 admitting the evidence proposed in the Joint Submission;

**NOTING** the Defence request in the Joint Submission that the video recordings of the testimonies of these two witnesses be admitted into evidence and the submission that the video recordings will be provided to the Chamber with the assistance of the Registry<sup>4</sup>;

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<sup>1</sup> *Prosecutor v Haradinaj et al.*, Case No. IT-04-84bis-T, 17 August 2011, T. 175.

<sup>2</sup> Joint Motion, para. 5.

<sup>3</sup> Joint Motion, para. 5.

<sup>4</sup> Joint Submission, para. 4.

**NOTING** that the video recordings of the witnesses whose evidence was tendered in the Joint Motion and the Joint Submission have been subsequently provided to the Registry by the Prosecution;

**NOTING** that the video recordings contain evidence given in closed and/or private session;

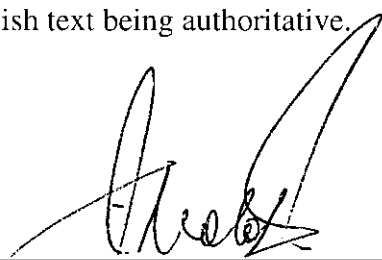
**FINDING** that the video recordings are relevant and probative;

**FOR THE FOREGOING REASONS and PURSUANT** to Rules 89(B), 89(C) and 89(F) of the Rules of Procedure and Evidence;

**ADMITS** under seal the video recordings of the testimony given in the case of *Prosecutor v. Haradinaj et al.*, Case No. IT-04-84 by the following witnesses: Shemsedin Çekaj, John Crosland, Mahir Demaj, Branko Gajić, Zymer Hasanaj, Ylber Haskaj, Pekka Haverinen, Barney Kelly, Cüfe Krasniqi, Ded Krasniqi, Jakup Krasniqi, Qerim Kuqi, Pjeter Shala, Dragoslav Stojanović, Mijat Stojanović, Rrustem Tetaj, Witness 6, Witness 7, Witness 16, Witness 23, Witness 31, Witness 54, Witness 66, Witness 77, and Dragan Zivanović;

**REQUESTS** the Registrar to assign exhibit numbers to the video recordings admitted pursuant to this Decision.

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



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Judge Bakone Justice Moloto  
Presiding Judge

Dated this 14th day of March 2012  
At The Hague  
The Netherlands

[Seal of the International Tribunal]