

IT-04-84-T
D25716-D25715
05 DECEMBER 2007

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APP

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-04-84-T
Date: 5 December 2007
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr Hans Holthuis

Decision of: 5 December 2007

PROSECUTOR

v.

RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ

PUBLIC

REQUEST TO THE PROSECUTION TO OBTAIN A DOCUMENT RELATED TO
WITNESS AVNI KRASNIQI

Office of the Prosecutor

Mr David Re
Mr Gramsci di Fazio
Mr Gilles Dutertre
Mr Philip Kearney

Counsel for Ramush Haradinaj

Mr Ben Emmerson, QC
Mr Rodney Dixon
Ms Susan L. Park

Counsel for Idriz Balaj

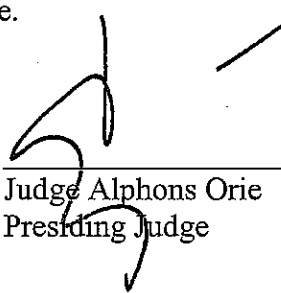
Mr Gregor Guy-Smith
Ms Colleen Rohan

Counsel for Lahi Brahimaj

Mr Richard Harvey
Mr Paul Troop

1. During the testimony of Avni Krasniqi on 14 and 15 November 2007, the witness was asked by the Defence about a Swiss judgement dated 1 September 1995 pursuant to which he was convicted *in absentia* for robbery and sentenced to seven years of imprisonment.¹ This judgement was mentioned in exculpatory material which was belatedly disclosed to the Defence just before Mr Krasniqi's testimony.² To the knowledge of the Chamber, neither the Prosecution nor the Defence is in possession of the judgement.
2. On 28 November 2007, the Defence argued that the Prosecution should endeavour to obtain the judgement from the Swiss authorities, and the Prosecution responded that it was not under an obligation to do so.³ The Chamber stated that it might request the Prosecution to obtain the judgement.⁴
3. Having considered the matter, the Chamber is of the view that the Swiss judgement could assist it in its evaluation of Mr Krasniqi's evidence. The Chamber considers that the Prosecution is in a better position to obtain this judgement than the Defence. The Chamber therefore **REQUESTS** the Prosecution to undertake all steps necessary to obtain the Swiss judgement as soon as possible and provide it to the Defence and the Chamber as soon as it is in receipt of it.

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



Judge Alphons Orié
Presiding Judge

Dated this 5th day of December 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ T. 10768-10778, 10835-10836.

² T. 10768-10778; the material consists of two Swiss police documents from June 2006.

³ T. 10998-11006.

⁴ T. 11005.