

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,<sup>1</sup> should be admitted in evidence together with associated exhibits tendered through these witnesses in that case;<sup>2</sup>

**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;

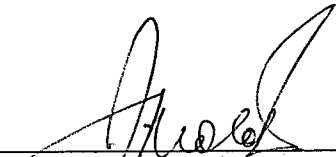
**TAKES NOTE** of the Agreed Stipulation as an agreed fact;

**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.

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

<sup>2</sup> 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]**