

IT-03-66-A  
A1648-A1646  
20 JUNE 2007

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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-03-66-A  
Date: 20 June 2007  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Fausto Pocar, Presiding  
Judge Mohamed Shahabuddeen  
Judge Andréia Vaz  
Judge Theodor Meron  
Judge Wolfgang Schomburg

**Registrar:** Mr. Hans Holthuis

**Decision of:** 20 June 2007

**THE PROSECUTOR**

v.

**FATMIR LIMAJ  
HARADIN BALAJ  
ISAK MUSLIU**

**PUBLIC**

**ORDER RELATED TO DECISION OF 30 MAY 2007**

**The Office of the Prosecutor:**

Mr. David Re  
Ms. Helen Brady

**Counsel for the Defence:**

For Fatmir Limaj: Mr. Michael Mansfield Q.C.  
Mr. Karim Khan  
For Haradin Bala: Mr. Gregor Guy-Smith  
Mr. Richard Harvey  
For Isak Musliu: Mr. Michael Topolski Q.C.  
Mr. Steven Powles

**Counsel for Accused in *Haradinaj et al.*:**

For Ramush Haradinaj: Mr. Ben Emmerson Q.C.  
Mr. Rodney Dixon  
For Idriz Balaj: Mr. Gregor Guy-Smith  
Ms. Colleen Rohan  
For Lahi Brahimaj: Mr. Richard Harvey  
Mr. Paul Troop

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**THE APPEALS 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 (“Appeals Chamber” and “International Tribunal”, respectively),

**BEING SEIZED** of an appeal from Judgement in the case of *Prosecutor v. Fatmir Limaj et al.* (“*Limaj*”);<sup>1</sup>

**NOTING** the “Decision on Prosecution’s Motion for Variance of Protective Measures”, filed confidentially on 30 May 2007 (“Decision of 30 May 2007”), in which the Appeals Chamber lifted most of the protective measures granted to Witness Shefqet Kabashi (“Kabashi”) during the *Limaj* trial, contingent upon confirmation by the Victims and Witness Section of the International Tribunal (“VWS”) that Kabashi did indeed consent to the lifting of these measures;

**NOTING** that there is no longer any need for the Decision of 30 May 2007 to remain confidential, since VWS did subsequently confirm Kabashi’s consent to the lifting of the protective measures;

**FURTHER NOTING** that the Decision of 30 May 2007 specified that references to Kabashi’s current address and whereabouts should not be disclosed and further specified that “if Kabashi’s statements and testimony in the *Limaj* trial referenced material protected by other protective measures (such as the real names of other protected witnesses, etc.), then these references shall be redacted from any public use of the statements and testimony”;<sup>2</sup>

**CONSIDERING** that the Prosecution is best positioned to identify any such references;

**HEREBY LIFTS** the confidentiality of the Decision of 30 May 2007; and

**ORDERS** that, within ten days of the date of this decision, the Prosecution shall inform the Registry of any references to Kabashi’s statements and testimony in the *Limaj* trial that require redactions pursuant to the Decision of 30 May 2007 prior to public release.

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

<sup>1</sup> See Prosecution Notice of Appeal, 30 December 2005; Public Redacted Prosecution’s Brief on Appeal, 29 March 2006; Notice of Appeal by the Defence for Hardin Bala of the Judgement by Trial Chamber I Rendered on 30 November 2005, 30 December 2005; Confidential Appeal Brief of Hardin Bala, 9 May 2006.

<sup>2</sup> Decision of 30 May 2007, p. 2.

Dated this 20th day of June 2007,  
At The Hague,  
The Netherlands.



Judge Fausto Pocar  
Presiding Judge

[Seal of the International Tribunal]