

IT-04-84bis-T
D3765 - D3764
28 October 2011

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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-04-84bis-T
Date: 28 October 2011
Original: English

IN TRIAL CHAMBER II

Before: Judge Bakone Justice Moloto, Presiding
Judge Burton Hall
Judge Guy Delvoie
Registrar: Mr. John Hocking
Decision: 28 October 2011

PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

PUBLIC

**ORDER FOR RECLASSIFICATION OF PORTIONS OF
TRANSCRIPTS OF 31 AUGUST AND 1 SEPTEMBER 2011**

The Office of the Prosecutor:

Mr. Paul Rogers
Mr. Thomas Hannis

Counsel for the Accused:

Mr. Ben Emmerson QC and Mr. Rodney Dixon for Ramush Haradinaj
Mr. Gregor Guy-Smith and Ms. Colleen M. Rohan for Idriz Balaj
Mr. Richard Harvey and Mr. Paul Troop for Lahi Brahimaj

THIS TRIAL 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 (“Chamber” and “International Tribunal”, respectively);

NOTING its “Decision on Joint Defence Motion for Relief From Rule 68 Violations by the Prosecution and for Sanctions Pursuant to Rule 68bis”, issued publicly on 12 October 2011 (“Decision”), by which the Chamber instructed the Parties to seek an agreement on what the necessary redactions to the transcripts of 31 August and 1 September 2011 may be, and to report back to the Chambers within 14 days;

NOTING the “Joint Prosecution and Defence Submission Pursuant to Trial Chamber’s Order of 12 October 2011”, filed confidentially with Confidential Annex A on 26 October 2011 (“Joint Submission”), by which the Prosecution and the Defence request by agreement specific redactions listed in the Joint Submission to be made to the transcript in English and French and further request such redactions to be made to the audio and video recordings of these passages, as precisely as possible given the technological limitations;

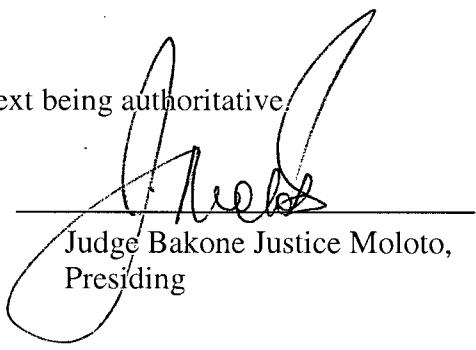
CONSIDERING that Witness 75’s testimony of 31 August and 1 September 2011, except agreed redactions listed in the Confidential Annex A of the Joint Submission, do not contain any information tending to identify the witness, and that it is in the interests of justice for those portions of the transcripts to be made public;

FOR THE FOREGOING REASONS:

PURSUANT to Rules 54 and 81(B) of the Rules of Procedure and Evidence;

ORDERS the Registry to lift the confidentiality of the transcripts of 31 August and 1 September 2011 with the exception of the parts listed in Confidential Annex A of the Joint Submission and to make the necessary redactions to the audio and video recordings of these passages, as precisely as possible given the technological limitations.

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



Judge Bakone Justice Moloto,
Presiding

Dated this twenty-eighth day of October 2011
At The Hague
The Netherlands

[Seal of the Tribunal]