# 17-04-846:1-T D5094-D5092 03 May 2012

# 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:

2 May 2012

Original:

English

## **IN TRIAL CHAMBER II**

Before:

Judge Bakone Justice Moloto, Presiding

Judge Burton Hall Judge Guy Delvoie

Registrar:

Mr. John Hocking

**Decision:** 

2 May 2012

**PROSECUTOR** 

v.

# RAMUSH HARADINAJ IDRIZ BALAJ LAHI BRAHIMAJ

#### **PUBLIC**

# ORDER RELEASING ZORAN STIJOVIĆ FROM WITNESS STAND

### 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** that on 24 and 25 August 2011 Mr. Zoran Stijović ("the witness") testified before the Chamber;

**NOTING** that on 24 and 25 August 2011 Balaj and Brahimaj reserved their right to cross-examine the witness and were of the position that they may recall him for cross-examination at a later stage; <sup>1</sup>

**NOTING** that on 25 August 2011 Mr. Stijović was informed by the Chamber's Presiding Judge that he was still on the witness-stand and that he was not to discuss his evidence with anyone, particularly members of the Office of the Prosecutor ("Prosecution"), until he is finally excused;<sup>2</sup>

**NOTING** that on 20 March 2012 the Chamber informally requested the Accused to state whether they still intend to recall the witness for cross-examination;

NOTING that on 20 April 2012 the Prosecution closed its case;<sup>3</sup>

**NOTING** that on 25 April 2012 and 26 April 2012 Counsel for, respectively, Balaj and Brahimaj informally notified the Chamber that they do not wish to recall the witness for further cross-examination;

**NOTING** the position expressed by Balaj and Brahimaj, during the Status Conference of 2 May 2012, that they do not need the further presence of the witness for cross-examination;<sup>4</sup>

**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence

**HEREBY ORDERS** that the witness be released from the witness stand.

<sup>&</sup>lt;sup>1</sup> Prosecutor v. Haradinaj et al., Case No. IT-04-84bis-T, T. 511, 594-595.

<sup>&</sup>lt;sup>2</sup> Prosecutor v. Haradinaj et al., Case No. IT-04-84bis-T, T. 623-624.

<sup>&</sup>lt;sup>3</sup> Prosecutor v. Haradinaj et al., Case No. IT-04-84bis-T, T. 2715.

<sup>&</sup>lt;sup>4</sup> Prosecutor v. Haradinaj et al., Case No. IT-04-84bis-T, T. 2735.

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

Judge Bakone Justice Moloto Presiding Judge

Dated this second day of May 2012 At The Hague The Netherlands

[Seal of the Tribunal]