

IT-04-84-R77.2  
D58 - D56  
05 DECEMBER 2007

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AT



**International Tribunal for the  
Prosecution of Persons Responsible for  
Serious Violations of International  
Humanitarian Law Committed in the  
Territory of Former Yugoslavia since  
1991**

**Case No. IT-04-84-R77.2**  
**Date: 5 December 2007**  
**Original: English**

**IN TRIAL CHAMBER I**

**Before: Judge Alphons Orie, Presiding  
Judge Frank Höpfel  
Judge Ole Bjørn Støle**

**Registrar: Mr Hans Holthuis**

**Decision of: 5 December 2007**

**IN THE CONTEMPT CASE OF  
AVNI KRASNIQI**

***PUBLIC***

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**DECISION GRANTING THE PROSECUTION'S APPLICATION TO WITHDRAW  
AN INDICTMENT FOR CONTEMPT AGAINST AVNI KRASNIQI**

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**Office of the Prosecutor**

Ms Carla Del Ponte  
Mr David Re

**Counsel for Avni Krasniqi**

Mr Michiel Pestman

**TRIAL CHAMBER I** 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 Indictment in the case of the *Prosecutor v. Avni Krasniqi*, which was confirmed on 5 November 2007, made public on 9 November 2007, and corrected by the Prosecution in a filing of 12 November 2007;

**NOTING** that the Indictment charged **AVNI KRASNIQI** (“the Accused”) with contempt of the Tribunal by failing to comply, without just excuse, with an order to appear before the Trial Chamber in the case of the *Prosecutor v. Haradinaj et al.*;

**NOTING** that the arrest warrant issued against the Accused on 5 November 2007 was executed on 9 November 2007, and that the Accused was transferred to the seat of the Tribunal on 10 November 2007;

**CONSIDERING** that the Accused testified in the *Prosecutor v. Haradinaj et al.* case on 14 and 15 November 2007;

**NOTING** that on 15 November 2007, the Prosecution filed its application to withdraw the Indictment against the Accused pursuant to Rule 51(A)(iii) of the Tribunal’s Rules of Procedure and Evidence (“Rules”);<sup>1</sup>

**NOTING** that at the end of his testimony in the *Prosecutor v. Haradinaj et al.* case, the Accused was informed that this Chamber had decided to grant the Prosecution’s application and ordered the Accused’s immediate release once the necessary practical arrangements had been made by the Registry;<sup>2</sup>

**CONSIDERING** that it is not in the interests of justice to continue the contempt proceedings against the Accused under the present circumstances;

**PURSUANT TO** Rules 51(A)(iii) and 54 of the Rules;

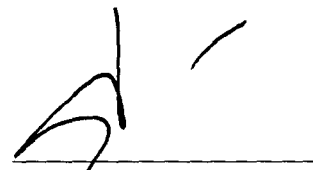
**RENDERS** its written decision granting the Prosecution’s application to withdraw the Indictment for contempt against the Accused.

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<sup>1</sup> Prosecution’s Application to Withdraw an Indictment for Contempt against Avni Krasniqi, 15 November 2007.

<sup>2</sup> *Prosecutor v. Haradinaj et al.*, T. 10850.

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



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Judge Alphons Orië  
Presiding Judge

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

**[Seal of the Tribunal]**