

IT-04-84-R77.3
D47-D45
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 the Former Yugoslavia
since 1991

Case No. IT-04-84-R77.3
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
SADRI SELCA**

PUBLIC

**DECISION GRANTING THE PROSECUTION'S APPLICATION TO WITHDRAW
AN INDICTMENT FOR CONTEMPT AGAINST SADRI SELCA**

Office of the Prosecutor

Ms Carla Del Ponte
Mr David Re

Counsel for Sadri Selca

Mr Jens Dieckmann

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. Sadri Selca*, which was confirmed on 7 November 2007 and made public on 13 November 2007;

NOTING that the Indictment charged **SADRI SELCA** (“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 7 November 2007 was executed on 13 November 2007, and that the Accused was transferred to the seat of the Tribunal on the same day;

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

NOTING that on the same day, 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”);¹

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;²

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

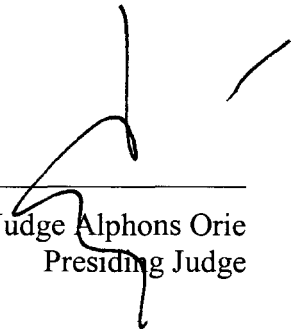
PURSUANT TO Rules 51(A)(iii) and 54 of the Rules;

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

¹ Prosecution’s Application to Withdraw an Indictment for Contempt against Sadri Selca, 15 November 2007.

² *Prosecutor v. Haradinaj et al.*, T. 10891.

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



Judge Alphons Ori
Presiding Judge

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

[Seal of the Tribunal]