



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-04-82-R77.1
Date: 6 December 2007
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christine Van Den Wyngaert
Judge Krister Thelin

Registrar: Mr Hans Holthuis

Decision: 6 December 2007

PROSECUTOR

v.

LJUBE KRSTEVSKI

PUBLIC

**DECISION GRANTING LEAVE TO WITHDRAW
INDICTMENT FOR CONTEMPT AGAINST LJUBE
KRSTEVSKI**

The Office of the Prosecutor:

Mr Dan Saxon

Counsel for the Accused:

Christian Kemperdick

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 (“Tribunal”),

NOTING the Indictment against Ljube Krstevski (“the Accused”) confirmed by Judge Bakone Justice Moloto in a confidential decision of 30 October 2007 charging the Accused with one count of contempt of the Tribunal, punishable under this Tribunal’s inherent power and Rule 77(A)(iii) of the Rules of Procedure and Evidence (“Rules”);

NOTING the Arrest Warrant against the Accused issued by Judge Bakone Justice Moloto on 30 October 2007 directing the competent authorities of the Republic of Macedonia to search for, arrest, detain, and surrender promptly to the Tribunal;

NOTING that the Accused was transferred to the seat of the Tribunal on 28 November 2007;

NOTING the Order issued confidentially by the Vice-President of the Tribunal on 29 November 2007, assigning the case against the Accused to Trial Chamber II;

NOTING that the Accused’s initial appearance pursuant to Rule 62 of the Rules was held on 29 November 2007 before Judge Krister Thelin;

NOTING that at the initial appearance the Office of the Prosecutor (“Prosecution”) moved orally for leave to withdraw the Indictment against the Accused and that the parties were ordered to file written submissions on the matter¹;

CONSIDERING that in a motion filed confidentially on 3 December 2007 the Prosecution reiterated its request for leave to withdraw the Indictment against the Accused and provided further submissions in support of its oral motion;

CONSIDERING that in its response to the Prosecution’s motion, filed on 6 December 2007, Counsel for the Accused requested that the relief sought by the Prosecution be granted;

CONSIDERING that in the present circumstances it will not be in the interests of justice to continue with contempt proceedings against the Accused;

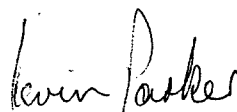
PURSUANT TO Rules 51(A)(iii) and 54 of the Rules

GRANTS leave to the Prosecution to withdraw the Indictment against the Accused.

¹ *Prosecutor v Ljube Krstevski*, Case No. IT-04-82-R77.1, Initial Appearance, T 3-4.

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

Dated this sixth day of December 2007
At The Hague
The Netherlands



Judge Kevin Parker
Presiding Judge

[Seal of the Tribunal]