

IT-04-84-R77.5
D78-D76
15 MAY 2008

78
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-R77.5
Date: 15 May 2008
Original: English

BEFORE TRIAL CHAMBER I

**Before: Judge Alphons Orie
Judge Christine van den Wyngaert
Judge Ole Bjørn Støle**

Registrar: Mr Hans Holthuis

Order of: 15 May 2008

PROSECUTOR

v.

BATON HAXHIU

CONFIDENTIAL

WARRANT OF ARREST AND ORDER FOR SURRENDER OF BATON HAXHIU

Office of the Prosecutor

Mr Serge Brammertz
Mr David Re

United Nations Interim Administration Mission in Kosovo (UNMIK)

I, JUDGE ALPHONS ORIE, Presiding Judge of 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 that on 16 January 2008, the Chamber in the *Haradinaj et al.* case filed an order pursuant Rule 77(C)(i) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) to the Prosecution to investigate with a view to the preparation and submission of an indictment for contempt;

NOTING the Prosecution’s “Filing of an Indictment and Supporting Material Against Baton Haxhiu for Contempt of the Tribunal” of 1 April 2008;

NOTING that the Indictment against Baton Haxhiu (“the Accused”) was confirmed on 10 April 2008;

NOTING the Order composing the Trial Chamber of 16 April 2008;

CONSIDERING that I am satisfied as to the existence of circumstances requiring the issuing of a warrant for the arrest, detention, and transfer of the Accused to the seat of the Tribunal;

CONSIDERING my authority to issue an arrest warrant, as derived from Rule 47 (H), which applies to the present matter *mutatis mutandis* in accordance with Rule 77 (E) of the Rules;

CONSIDERING that, pursuant to Rule 59 *bis* of the Rules, a permanent Judge may order the Registrar to transmit to the appropriate authority a warrant for the arrest of an accused person, on such terms as the Judge may determine, together with an order for the prompt transfer of the accused person to the Tribunal in the event that the accused person is taken into custody by that authority;

PURSUANT TO Articles 19 (2) and 29 of the Statute of the Tribunal (“Statute”) and Rules 47, 54, 55, 56, 57, 59, 59 *bis*, and 77 of the Rules;

HEREBY DIRECT AND AUTHORIZE the competent authorities of UNMIK, to search for, arrest, detain, and surrender Baton Haxhiu to the Tribunal:

Name of accused person:

Baton Haxhiu

Date of birth:

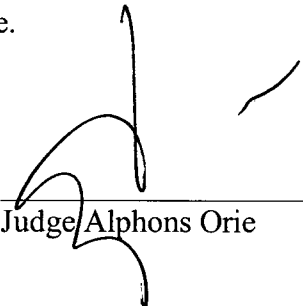
24 August 1965

DIRECT the aforementioned authorities to inform Baton Haxhiu, at the time of his arrest and in a language he understands, of the charge brought against him, of his rights set forth in Article 21 of the Statute and, *mutatis mutandis*, in Rules 42, 43, and 63 of the Rules, and of his right to remain silent, and to caution him that any statement he makes shall be recorded and may be used in evidence;

DIRECT the aforementioned authorities, pursuant to Rules 56 and 57 of the Rules, to execute this warrant promptly, to promptly notify the Registrar of the Tribunal of the arrest of Baton Haxhiu, and to transfer the accused to the Tribunal, and to that end make practical arrangements with the Registrar;

DIRECT the aforementioned authorities to report forthwith to the Registrar if they are unable to execute this warrant of arrest and to indicate the reasons for such non-execution, pursuant to Rule 59 (A) of the Rules.

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



Judge Alphons Orie

Dated this 15th of May 2008
At The Hague
The Netherlands

[Seal of the Tribunal]