

IT-04-84-R77.5  
D495-D493  
09 July 2008

495 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: 9 July 2008

Original: English

IN TRIAL CHAMBER I

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

**Registrar:** Mr Hans Holthuis

**Decision of:** 9 July 2008

PROSECUTOR

v.

BATON HAXHIU

*PUBLIC*

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FURTHER DECISION MODIFYING CONDITIONS OF PROVISIONAL RELEASE

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Office of the Prosecutor

Mr Dan Saxon  
Mr Vincent Lunny

Counsel for the Accused

Mr Christian Kemperdick

**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”);

**BEING SEISED** of two Defence motions requesting a suspension of the conditions of Baton Haxhiu’s (“the Accused”) provisional release: the first seeking permission for him to attend a Donor Conference for Kosovo/Kosova from 11 to 13 July 2008 in Brussels, Belgium in his capacity as the founder of a consulting agency;<sup>1</sup> and the second seeking permission for him to travel on another business trip from 15 to 17 July to Istanbul, Turkey;<sup>2</sup>

**NOTING** that the Indictment for contempt against the Accused was confirmed on 10 April 2008 and that the Accused was transferred to the seat of the Tribunal on 20 May 2008;<sup>3</sup>

**NOTING** that the Accused was provisionally released on 23 May 2008 and that the terms of the provisional release were temporarily modified on 19 June 2008 in order to enable the Accused to travel to The Hague without being detained;<sup>4</sup>

**CONSIDERING** that the Prosecution does not oppose the motions, provided that the Accused abides by condition number 6 of his provisional release, namely, not to discuss his case with anyone, including the media, other than with his counsel;<sup>5</sup>

**CONSIDERING** that at the conclusion of the trial, the Prosecution did not request that the Accused be imprisoned should he be found guilty of the charge against him;<sup>6</sup>

**CONSIDERING** that the Accused voluntarily surrendered to the Tribunal, that he voluntarily travelled to The Hague to attend his trial, the nature of the charges against him, and that he has shown good cause for the requested journeys;

**REMINDS** the Accused that he is not to discuss his case with anyone, including the media, other than with his counsel;

**GRANTS** the aforementioned Defence motions and **MODIFIES** the conditions set in its Decision on Provisional Release as follows:

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<sup>1</sup> Public Defence Counsel Motion to Suspend Conditions of Provisional Release with Public Annexes, 27 June 2008.

<sup>2</sup> Confidential Defence Counsel Motion to Suspend Conditions of Provisional Release, 2 July 2008.

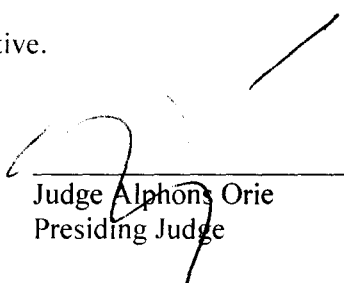
<sup>3</sup> Decision on Review of Indictment, 10 April 2008; Transcript in *Prosecutor v. Haxhiu*, pp. 1-13.

<sup>4</sup> Decision on Provisional Release of Baton Haxhiu, 23 May 2008 (“Decision on Provisional Release”); Decision on the Prosecution Motion on Baton Haxhiu’s Compliance with Provisional Release and Decision Modifying Conditions of Provisional Release, 19 June 2008.

<sup>5</sup> Prosecution’s Response to ‘Defence Counsel Motion to Suspend Conditions of Provisional Release’, 30 June 2008; Prosecution’s Response to ‘Confidential Defence Counsel Motion to Suspend Conditions of Provisional Release’, 3 July 2008.

1. The Accused is allowed to leave his place of residence for the purpose of his journeys for the period of 11 to 13 July and 15 to 17 July as set out in the Defence motions and also during any time which is the result of unforeseen delays not caused by the Accused;
2. The UNMIK authorities shall return to the Accused his passport and re-take it on his return to Priština/Prishtinë from his second journey;<sup>7</sup>
3. The Request to all States through whose territory the Accused will travel, as indicated on page 6 of the Decision on Provisional Release, is suspended in relation to the Accused's movement referred to under 1 above;
4. The Requests to UNMIK authorities in paragraph 12 (iii) and (iv) of the Decision on Provisional Release are suspended for the duration of the Accused's absence from Priština/Prishtinë;

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



Judge Alphons Orié  
Presiding Judge

Dated this 9th day of July 2008  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>6</sup> T. 82.

<sup>7</sup> See Condition 12 (ii) on page 5 of the Decision on Provisional Release. UNMIK stands for United Nations Interim Administration Mission in Kosovo.