



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-A
Date: 5 October 2009
Original: English

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Fausto Pocar
Judge Liu Daqun
Judge Andréia Vaz
Judge Theodor Meron

Registrar: Mr John Hocking

Order: 5 October 2009

PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

PUBLIC

**ORDER RECALLING LAHI BRAHIMAJ FROM
PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr. Peter Kremer QC

Counsel for the Accused:

Mr. Ben Emmerson QC and Mr. Rodney Dixon for Mr. Ramush Haradinaj
Mr. Gregor Guy-Smith and Ms. Colleen Rohan for Mr. Idriz Balaj
Mr. Richard Harvey and Mr. Paul Troop for Mr. Lahi Brahimaj

THE APPEALS 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 (“Appeals Chamber” and “Tribunal”, respectively);

RECALLING the “Decision on Lahi Brahimaj’s Application for Provisional Release” rendered on 25 May 2009 (“Provisional Release Decision”), which ordered that Lahi Brahimaj be provisionally released pending the hearing of his appeal;¹

NOTING that Lahi Brahimaj was provisionally released conditional *inter alia* upon him returning to the United Nations Detention Unit (“UNDU”) in The Hague at the time to be determined by the Appeals Chamber;²

NOTING that pursuant to the “Scheduling Order for Appeal Hearing” of 25 August 2009 (“Scheduling Order”), the appeal hearing in Lahi Brahimaj’s case will be held on Wednesday, 28 October 2009;³

NOTING that the Provisional Release Decision required the EULEX-Kosovo Mission to assume “responsibilities for all expenses concerning the transportation of Lahi Brahimaj from Priština airport to his residence and back”;⁴

PURSUANT to Rule 65 of the Rules of Procedure and Evidence:

ORDERS that:

1. Lahi Brahimaj return to the UNDU in The Hague for the duration of the appeal hearing in his case;
2. the EULEX-Kosovo Mission designate an official who will accompany Lahi Brahimaj from his place of residence in Kosovo/Kosova and who will deliver him at Priština airport into the custody of a security officer designated by the Registrar of the Tribunal;
3. the EULEX-Kosovo Mission ensure the personal security and safety of Lahi Brahimaj until he is delivered into the custody of the Tribunal’s security officer at Priština airport;
4. the authorities of The Netherlands ensure that Lahi Brahimaj is transported, under guard, from Schiphol airport to the UNDU;

¹ Provisional Release Decision, para. 18.

² Provisional Release Decision, para. 18.

³ Scheduling Order, p. 2.

⁴ Provisional Release Decision, para. 18.

5. the Provisional Release Decision be stayed for the duration of the appeal hearing, and to resume after the appeal hearing;
6. as soon as practicable after the appeal hearing, Lahi Brahimaj be transported by the authorities of The Netherlands from the UNDU to Schiphol airport where he will be delivered into the custody of a security officer designated by the Register who will take him to Priština airport and deliver him to a designated official of the EULEX-Kosovo Mission, who will ensure his personal safety and security for the remainder of his travel to his residence.

INSTRUCTS:

1. the Registrar of the Tribunal to consult with the Dutch Ministry of Justice with regard to the practical arrangements for Lahi Brahimaj's return to the UNDU and for his provisional release after the appeal hearing;
2. the EULEX-Kosovo Mission, The Netherlands, and the Registry of the Tribunal to communicate with each other to facilitate the orderly return of Lahi Brahimaj to the UNDU and his provisional release after the appeal hearing;

REQUESTS the authorities of all States through whose territory Lahi Brahimaj may travel:

1. to hold Lahi Brahimaj in custody for any time that he will spend in transit; and
2. to arrest and detain Lahi Brahimaj should he attempt to escape during his movement to and from the UNDU in The Hague.

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



Judge Patrick Robinson
Presiding

Dated this fifth day of October 2009
At The Hague
The Netherlands

[Seal of the International Tribunal]