

IT-04-84-R77.5
D411-D410
20 June 2008

411
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: 20 June 2008

Original: English

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Fausto Pocar, President

Registrar: Mr Hans Holthuis

Decision of: 20 June 2008

PROSECUTOR

v.

BATON HAXHIU

PUBLIC

**DECISION ON MOTION REQUESTING MODIFICATION OF THE CONDITIONS OF
DETENTION**

Office of the Prosecutor

Mr David Re
Mr Vincent Lunny

Counsel for the Accused

Mr Christian Kemperdick

RM

I, JUDGE FAUSTO POCAR, President 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 SEIZED of the “Confidential Motion Requesting Modification of the Conditions of Detention Pursuant to Rule 64 of the Rules with Confidential Annexes” and the “Confidential Motion Amending the Relief Sought in the Motion Filed June 14th, 2008” (together, “Request”), both filed confidentially by Baton Haxhiu (“Accused”) on 16 June 2008;

NOTING that the Indictment for contempt against the Accused was confirmed on 10 April 2008;¹

NOTING that the Accused was transferred to the seat of the Tribunal on 20 May 2008 and that his initial appearance was held on the following day;²

CONSIDERING that the Accused was provisionally released on 23 May 2008;³

NOTING the “Order Scheduling Start of Trial” issued by the Pre-Trial Judge in this case on 3 June 2008, scheduling the start of the trial for 24 June 2008 but stating that the termination of the Accused’s provisional release would be dealt with in a separate order;⁴

NOTING the “Decision on the Prosecution Motion on Baton Haxhiu’s Compliance with Provisional Release and Decision Modifying Conditions of Provisional Release” (“Decision”), issued publicly by Trial Chamber I in this case on 19 June 2008;⁵

CONSIDERING that the Decision modifies the terms and conditions of provisional release and that the Accused is not in detention at the moment;

CONSIDERING that there is no reason to maintain confidentiality of the issue;

DISMISS the Request as moot.

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

Dated this 20th day of June 2008
At The Hague
The Netherlands



Judge Fausto Pocar
President

[Seal of the Tribunal]

¹ *Prosecutor v. Baton Haxhiu*, Case No. IT-04-84-R77.5, Decision on Review of Indictment, 10 April 2008.

² Transcript in *Prosecutor v. Haxhiu*, pp. 1-13.

³ *Prosecutor v. Baton Haxhiu*, Case No. IT-04-84-R77.5, Decision on Provisional Release of Baton Haxhiu, 23 May 2008.

⁴ *Prosecutor v. Baton Haxhiu*, Case No. IT-04-84-R77.5, Order Scheduling Start of Trial, 3 June 2008, p. 4.

⁵ *Prosecutor v. Baton Haxhiu*, Case No. IT-04-84-R77.5, Decision on the Prosecution Motion on Baton Haxhiu’s Compliance with Provisional Release and Decision Modifying Conditions of Provisional Release.