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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie



Press Release . Communiqué de presse
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CHAMBERS

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The Hague, 6 June 2005
CT/MOW/973c

**DECISION RENDERED ON RAMUSH HARADINAJ'S
MOTION FOR PROVISIONAL RELEASE**

Today, 6 June 2005, Trial Chamber II granted the provisional release for Ramush Haradinaj subject to certain restrictions. The Decision, however, is stayed providing the Prosecution 24 hours to file an appeal, pursuant to Rule 65 (F) of the Rules of Procedure and Evidence of the Tribunal.

On 21 April 2005, the Defence of Ramush Haradinaj filed a Motion requesting provisional release for the Accused until the commencement of the trial phase of the proceedings. The Prosecution filed its Response to the request on 5 May 2005 opposing the Motion noting that “... *despite the Accused’s voluntary surrender to the Tribunal and the offer of guarantees provided by the United Nations Mission in Kosovo (“UNMIK”) the court cannot be satisfied on the evidence presently before it that UNMIK has the practical ability to arrest and return Mr. Haradinaj should that need arise. The unique circumstances and climate for witnesses living in Kosovo are such that the Chamber cannot be satisfied that the provisional release will not pose a danger to victims and witnesses.*”

In coming to its Decision, the Trial Chamber stated the following:

“On the basis of the evidence adduced by the Accused in fulfillment of his burden of proof, including evidence of voluntary surrender, assurances by UNMIK and his own undertakings, as well as on the basis of the considerations elaborated above, the Trial Chamber is satisfied that, if released, he will appear for trial and that there are no indications that he will pose any danger to victims, witnesses or other persons.”

***The full text of the Decision is available on the Tribunal’s website
<http://www.un.org/icty>. Hard copies can be obtained from the Media Office.
Proceedings can also be followed on the Tribunal’s website.***

Internet address: <http://www.un.org/icty>

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