

IT-04-84-R77.5
D84-D80
20 MAY 2008

84
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 May 2008
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr Hans Holthuis

Order of: 20 May 2008

PROSECUTOR

v.

BATON HAXHIU

PUBLIC

ORDER LIFTING CONFIDENTIALITY OF THE INDICTMENT

Office of the Prosecutor

Mr Serge Brammertz
Mr David Re

The Accused

Mr Baton Haxhiu

TRIAL CHAMBER I (“Trial 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 (“Tribunal”);

NOTING that on 16 January 2008, the Chamber in the *Haradinaj et al.* case filed an order pursuant to 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;

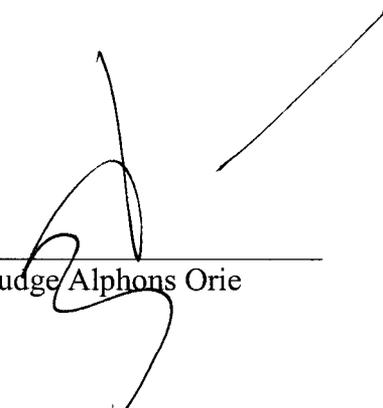
NOTING the confirmation of the Indictment against Baton Haxhiu on 10 April 2008 which also contained an order to the Prosecution to re-file the filing of 1 April 2008 as *ex-parte* and confidential;

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

PURSUANT TO Rule 54 of the Rules;

HEREBY ORDERS that the confidentiality of the Indictment shall be lifted, with the exception of those parts redacted in the annex attached to this order.

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



Judge Alphons Orie

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

[Seal of the Tribunal]



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ANNEX TO THE ORDER LIFTING CONFIDENTIALITY OF THE INDICTMENT

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The Accused

Mr Baton Haxhiu

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-04-84-R77.5

**THE PROSECUTOR OF THE TRIBUNAL
AGAINST**

BATON HAXHIU

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia, and Rule 77 of the Rules of Procedure and Evidence charges:

BATON HAXHIU

with

CONTEMPT OF THE TRIBUNAL

THE ACCUSED

Baton Haxhiu was born on 24 August 1965 in Khodra Didllit in Kosovo/Kosova. In December 2007 he was the editor [REDACTED] of [REDACTED], a newspaper [REDACTED].

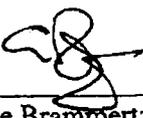
CHARGES

CONTEMPT OF THE TRIBUNAL

1. Before and during the trial of *Prosecutor v Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj* (IT-04-84-T) the Trial Chamber issued Orders protecting the identity of certain Prosecution witnesses.

2. In ██████████ 2007 **Baton Haxhiu** obtained information about the identity of a witness whose identity was protected by Orders of the Trial Chamber.
3. On ██████████, in contravention of those Orders, in an article he wrote and published in ██████████, **Baton Haxhiu** revealed the identity of the witness.

Baton Haxhiu knowingly and willingly interfered with the administration of justice by disclosing information relating to the proceedings in knowing violation of Orders by a Trial Chamber. By his acts and omissions, **Baton Haxhiu** committed Contempt of the Tribunal, punishable under the Tribunal's inherent powers under Rule 77 (A) (ii) of the Rules.


for _____
Serge Brammertz
Prosecutor

The Hague
The Netherlands

1 April 2008