

IT-03-66-R77  
D312 - D310  
14 MARCH 2005

312 AT

**UNITED  
NATIONS**



**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: IT-03-66-R77  
Date: 11 March 2005  
Original: English**

**BEFORE THE TRIAL CHAMBER**

**Before: Judge Liu Daqun, Presiding  
Judge Amin El Mahdi  
Judge Alphons Orie, pre-trial judge**

**Registrar: Mr. Hans Holthuis**

**Decision of: 11 March 2005**

**PROSECUTOR**

**v.**

**Beqa BEQAJ**

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**DECISION ON DEFENCE'S MOTION TO LIFT CONFIDENTIALITY OF WARRANT OF  
ARREST AND ORDER FOR SURRENDER**

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**The Office of the Prosecutor:**

Mr. David Akerson  
Mr. Jason Dominguez

**Counsel for the Accused:**

Mr. Tjarda Eduard van der Spoel

**TRIAL CHAMBER I** (the “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 (the “Tribunal”),

**BEING SEISED** of the confidential “Motion to lift confidentiality of the warrants of arrests and orders for surrender” filed by the Defence for the accused Beqaj (“Accused”) on 15 February 2005 (“Motion”);

**NOTING** that the Prosecution has not responded to the Motion;

**NOTING** the “Decision on Review of Indictment and Order for Non Disclosure” issued by the confirming judge Carmel Agius (the “Confirming Judge”) *ex parte* and under seal on 29 October 2004;

**NOTING** the “Warrant of arrest Order for Surrender” issued by the Confirming Judge *ex parte* and under seal on 29 October 2004;

**NOTING** this Chamber’s “Order to Lift the Confidentiality of the Indictment” dated 4 November 2005;

**NOTING** that the Warrant of Arrest/Order for Surrender issued on 29 October 2004 remained under seal;

**CONSIDERING** that the Defence submits that “there are no exceptional circumstances to justify that the warrants of arrest and orders for surrender” issued by the Confirming Judge should remain under seal and argues that it needs access to the “warrants of arrest and orders for surrender” against the Accused in order to “examine the legitimacy of the arrest and transfer to the UN Detention Unit in The Hague”;<sup>1</sup>

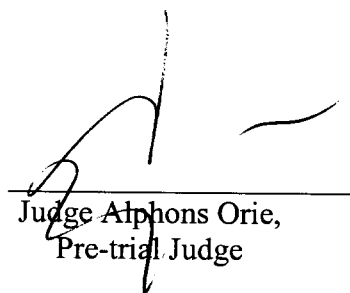
**FINDING** that there is a legitimate purpose to the Motion and that it is in the interests of justice to lift the seal on the Warrant of Arrest/Order for Surrender in the present case;

**PURSUANT** to Rule 54 of the Rules of Procedure and Evidence;

**HEREBY GRANTS** the Motion, **ORDERS** that the seal on the “Warrant of Arrest Order for Surrender” issued by the Confirming Judge on 29 October 2004 be lifted.

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

Dated this 11<sup>th</sup> day of March 2005,  
At The Hague,  
The Netherlands.



Judge Alphons Orie,  
Pre-trial Judge

[Seal of the Tribunal]