



96 AT

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1, B.P. 13888
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TÉLÉPHONE: 31 70 512-5000
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D96 - D95
21 MAY 2008

Case No. IT-04-84-R77.5
Prosecutor v. Baton Haxhiu

PUBLIC

DECISION

THE DEPUTY REGISTRAR,

NOTING the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

NOTING the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended (“Rules”), and in particular Rules 44, 45, 62(B) and 77 thereof;

NOTING the Directive on Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended (“Directive”), and in particular Articles 14(B), and 16(H) thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal (“Code of Conduct”)(IT/125 REV.2);

NOTING that on 1 April 2008, an indictment was filed against Mr. Baton Haxhiu (“Accused”), charging him with contempt of the Tribunal under Rule 77 of the Rules and that this indictment was made public on 20 May 2008;

NOTING that the indictment of 1 April 2008 alleges the Accused to have knowingly and willfully interfered with the administration of justice by disclosing information relating to the proceedings against *Ramush Haradinaj et al.* in knowing violation of Orders by a Trial Chamber;

CONSIDERING that the Accused was transferred to the seat of the Tribunal on 20 May 2008;

NOTING that the Rules in parts four to eight apply *mutatis mutandis* to proceedings under Rule 77 of the Rules;

NOTING that any person charged with contempt is entitled to assigned counsel in accordance with Rule 45 of the Rules if that person satisfies the criteria for determination of indigence;

CONSIDERING that the Accused’s rights under the Statute, Rules and Directive must be protected until he retains permanent counsel or has counsel assigned to him pursuant to Rule

45 of the Rules and that Rule 62(B) of the Rules enables the Registrar to assign duty counsel for this purpose;

CONSIDERING that Mr. Christian Kemperdick, Attorney at Law from Germany, is on the list of “duty counsel” envisaged in Rule 45(C) of the Rules, and has agreed to represent the Accused as duty counsel;

HEREBY DECIDES to assign Mr. Kemperdick pursuant to Article 16(H) of the Directive, as duty counsel to represent the Accused at his initial appearance, and in such other matters as may be necessary until a permanent counsel is assigned, effective as of the date of this decision.



Dated this twenty-first day of May 2008
At The Hague,
The Netherlands