

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888  
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1, B.P. 13888  
2501 EW LA HAYE, PAYS-BAS  
TÉLÉPHONE: 31 70 512-5000  
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D134-D133  
26 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 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(A), and 16 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 and subsequently confirmed on 10 April 2008 by the Chamber 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;

**CONSIDERING** that the Accused was transferred to the seat of the Tribunal on 20 May 2008 and that his initial appearance was held on 21 May 2008;

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

**CONSIDERING** that on 21 May 2008, Mr. Christian Kemperdick, Attorney at Law from Germany, was assigned as “duty counsel” to the Accused to ensure that the rights of the Accused are protected until he retains permanent counsel or has counsel assigned to him pursuant to Rule 45 of the Rules;

**CONSIDERING** that the Accused has applied for Tribunal legal aid pursuant to Article 8 of the Directive, on the basis that he does not have means to remunerate counsel and has requested that the Registry assign Mr. Kemperdick as his permanent counsel;

**CONSIDERING** that the Registry has not yet determined whether or to what extent the Accused is able to remunerate counsel;

**CONSIDERING** that in accordance with Article 11(B) of the Directive, the Registrar may assign counsel to an accused for a period of 120 days to ensure that an accused's right to counsel is not affected while the Registry examines his ability to remunerate counsel;

**CONSIDERING** that in this case it is necessary to assign counsel to the Accused pursuant to Article 11(B) to ensure that his right to counsel is not affected while the Registry assesses his ability to remunerate counsel;

**HEREBY DECIDES** to assign Mr. Kemperdick as counsel to the Accused for a period of 120 days pursuant to Article 11(B) of the Directive, effective as of the date of this decision.



John Hocking  
Deputy Registrar

Dated this 23rd day of May 2008  
At The Hague,  
The Netherlands