



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-A
Date: 4 March 2010
Original: English

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Fausto Pocar
Judge Liu Daqun
Judge Andréia Vaz
Judge Theodor Meron

Registrar: Mr. John Hocking

Order: 4 March 2010

PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

PUBLIC

**ORDER WARNING LAHI BRAHIMAJ
TO ADHERE TO THE TERMS OF HIS PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr. Peter Kremer

Counsel for the Defence:

Mr. Ben Emmerson and Mr. Rodney Dixon for Ramush Haradinaj
Mr. Gregor Guy-Smith and Ms. Colleen Rohan for Idriz Balaj
Mr. Richard Harvey and Mr. Paul Troop for Lahi Brahimaj

THE APPEALS 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 (“Appeals Chamber” and “Tribunal”, respectively),

NOTING that, on 3 April 2008, Trial Chamber I convicted Lahi Brahimaj for torture and cruel treatment as violations of the laws or customs of war, pursuant to Article 3 of the Tribunal’s Statute, and sentenced him to a term of six years’ imprisonment, subject to credit for time already spent in detention in accordance with Rule 101(C) of the Rules of Procedure and Evidence of the Tribunal (“Rules”);¹

NOTING that the Appeals Chamber is currently seised of appeals against the Trial Judgement filed by Brahimaj and the Prosecution;²

NOTING that, on 25 May 2009, the Appeals Chamber granted Brahimaj provisional release pursuant to Rule 65(I) of the Rules, pursuant to the following terms, among others:

The authorities of the EULEX-Kosovo Mission shall instruct Brahimaj that, during the period of his provisional release, he shall abide by the following conditions:

[...]

to comply strictly with any instructions of the authorities of the EULEX-Kosovo Mission necessary to enable them to comply with their obligations under this Decision and their guarantees;

[...]

The authorities of the EULEX-Kosovo Mission shall ensure that:

[...]

Brahimaj reports weekly to the EULEX-Kosovo Mission authorities in the place of his residence;³

CONSIDERING that the EULEX-Kosovo Mission, in its weekly report dated 19 February 2010, states that Brahimaj failed to appear at a pre-arranged weekly meeting at his residence;⁴

PURSUANT TO Rules 54, 65(I), and 107 of the Rules,

¹ *Prosecutor v. Ramush Haradinaj et al.*, Case No. IT-04-84-T, Judgement, 3 April 2008, paras 504-505.

² Prosecution’s Notice of Appeal, 2 May 2008; Notice of Appeal on Behalf of Third Defendant Lahi Brahimaj, 5 May 2008; Prosecution Appeal Brief, 17 July 2008 (public and redacted); Appeal Brief on Behalf of Lahi Brahimaj, 21 July 2008; Joinder to Response of Ramush Haradinaj to Prosecution’s Appeal Brief, 25 August 2008; Prosecution Response to Appeal Brief on Behalf of Lahi Brahimaj, 1 September 2008 (public and redacted); Reply Brief of Lahi Brahimaj, 15 September 2008.

³ *Prosecutor v. Ramush Haradinaj et al.*, Case No. IT-04-84-A, Decision on Lahi Brahimaj’s Application for Provisional Release, 27 May 2009, para. 18(e)(v), (f)(ii).

⁴ EULEX Weekly Report on the Provisional Release of Lahi Brahimaj, 19 February 2010 (confidential).

HEREBY REMINDS Lahi Brahimaj that he is under judicial order of the Appeals Chamber of the Tribunal to adhere strictly to the terms of his provisional release; and

WARNS Lahi Brahimaj that his provisional release will be terminated in the event that he fails to comply with any instructions of the authorities of the EULEX-Kosovo Mission necessary to enable it to comply with its obligations in relation to his provisional release.

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



Judge Patrick Robinson
Presiding

Dated this fourth day of March 2010
At The Hague
The Netherlands

[Seal of the Tribunal]