

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

Case No. IT-04-84-R77.4

**THE PROSECUTOR OF THE TRIBUNAL
AGAINST**

**ASTRIT HARAQIJA
AND
BAJRUSH MORINA**

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 of the International Criminal Tribunal for the former Yugoslavia, charges:

**ASTRIT HARAQIJA
AND
BAJRUSH MORINA**

with

CONTEMPT OF THE TRIBUNAL

THE ACCUSED

1. **Astrit HARAQIJA** was born on 14 June 1972 in Đakovica/Gjakove, Đakovica/Gjakove Municipality, Kosovo. He is the Kosovo Minister for Culture, Youth and Sport.
2. **Bajrush MORINA** was born on 10 December 1962 in Vjeđa, Rahovec/Orahovac Municipality, Kosovo. He has been the political advisor to the Deputy Minister at the Kosovo Ministry for Culture, Youth and Sport since 2005. He is also a part-time editor at the Kosovo newspaper "Bota Sot".
3. **Astrit HARAQIJA** is one of the three co-founders of the "Defence Committee for Ramush Haradinaj" whose declared purpose it is "to gather funds for the defence of former Prime-Minister".

CHARGES

CONTEMPT OF THE TRIBUNAL

4. In July and August 2007, **Astrit HARAQIJA** and **Bajrush MORINA**, acting on their own initiative or at the request of others, incited or committed Contempt of the Tribunal.
5. **Astrit HARAQIJA** and **Bajrush MORINA** knowingly and wilfully interfered with the administration of justice by interfering with a protected witness (witness "PW") in the case of *Prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj*, Case No. IT-04-84-T.
6. PW was granted pre-trial protective measures on 20 May 2005 in the *Haradinaj* case and listed as a witness in a confidential annex to the Prosecution's Pre-Trial Brief filed 29 January 2007. PW's unredacted witness statements were disclosed to the Defence on 12 January 2007 and 13 February 2007. Access to all these filings or documents was restricted to Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj and their defence teams.
7. By early July 2007 at the latest, **Astrit HARAQIJA** and **Bajrush MORINA** knew that PW was a very important witness for the Prosecution in the *Haradinaj* case. At the same time, they also knew that he was a protected witness.
8. In early July 2007, **Astrit HARAQIJA** instructed **Bajrush MORINA**, who knew PW, to contact PW and organize a meeting. The purpose of the meeting with PW was to persuade PW not to testify against Ramush Haradinaj.
9. **Bajrush MORINA** was an employee of **Astrit HARAQIJA** who was the Minister for Culture, Youth and Sport in Kosovo, and required to follow the Minister's directions. **Astrit HARAQIJA** told **Bajrush MORINA** to follow the instructions given.
10. **Astrit HARAQIJA** initially planned to travel with **Bajrush MORINA** to meet PW at the country of his residence. Eventually, only **Bajrush MORINA** met PW.
11. On 10 and 11 July 2007 **Bajrush MORINA** and PW had two lengthy meetings. Both meetings were recorded by police.
12. As instructed by **Astrit HARAQIJA**, **Bajrush MORINA** pressured PW to persuade him not to testify against Ramush Haradinaj. **Bajrush MORINA** gave PW specific examples of witnesses who refused to testify in the *Haradinaj* trial. In between the meetings **Bajrush MORINA** informed **Astrit HARAQIJA** that PW would not give in.
13. As an official of the Ministry for Culture, Youth and Sport, **Bajrush MORINA** required permission for his trip abroad on 10/11 July 2007. The expenses were paid by the Ministry.
14. PW refused to succumb to the pressure and eventually testified as a protected witness in the *Haradinaj* trial.

By his acts and omissions, **Astrit HARAQIJA** committed:


COUNT 1: Contempt of the Tribunal, punishable under this Tribunal's inherent power and Rule 77(A)(iv) of the Rules of Procedure and Evidence of the Tribunal;

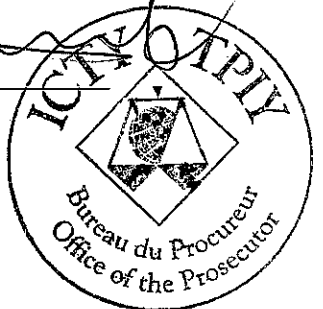
or, in the alternative,

COUNT 2: Incitement to Contempt of the Tribunal, punishable under this Tribunal's inherent power and Rule 77(A)(iv) and (B) of the Rules of Procedure and Evidence of the Tribunal.

By his acts and omissions, **Bajrush MORINA** committed:

COUNT 1: Contempt of the Tribunal, punishable under this Tribunal's inherent power and Rule 77(A)(iv) of the Rules of Procedure and Evidence of the Tribunal.


Serge Brammertz
Prosecutor



Dated this 8th day of January 2008

The Hague
The Netherlands