



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

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

Date: 21 November 2008

Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Christine Van den Wyngaert
Judge Bakone Justice Moloto

Registrar: Mr. Hans Holthuis

Order of: 21 November 2008

PROSECUTOR

v.

**ASTRIT HARAQIJA
and
BAJRUSH MORINA**

PUBLIC

**ORDER RECALLING ASTRIT HARAQIJA AND BAJRUSH
MORINA FROM PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr. Dan Saxon

Counsel for the Accused:

Mr. Karim A. A. Khan for Astrit Haraqija
Mr. Jens Dieckman for Bajrush Morina

**United Nations Interim
Administration Mission in Kosovo**

**Government of the Kingdom of the
Netherlands**

TRIAL CHAMBER I (“Trial Chamber”) of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 (“Tribunal”);

NOTING the “Decision on Defence Application for Provisional Release of the Accused Astrit Haraqija”, filed publicly on 15 September 2008, and the “Decision on Defence Application for Provisional Release of the Accused Bajrush Morina”, filed publicly on 15 September 2008, whereby the Trial Chamber set out the conditions concerning the provisional release of Astrit Haraqija and Bajrush Morina, and ordered Astrit Haraqija and Bajrush Morina, “to comply strictly with any further Order of the Trial Chamber varying the terms of or terminating his provisional release” and “shall return to the United Nations Detention Unit (“UNDU”) in The Hague at the time to be determined by the Trial Chamber”;¹

CONSIDERING that the judgement in this case is scheduled to be rendered on 17 December 2008;²

PURSUANT TO Article 29 of the Statute of the Tribunal and Rules 54 and 65 of the Rules of Procedure and Evidence;

ORDERS:

1. Astrit Haraqija and Bajrush Morina to return to the UNDU in The Hague on 15 December 2008;
2. the United Nations Interim Administration Mission in Kosovo (“UNMIK”) to designate an official who shall accompany Astrit Haraqija and Bajrush Morina from their places of residence in Kosovo to Pristina airport, on 15 December 2008;
3. UNMIK to notify, as soon as practicable, the Trial Chamber and the Registrar of the Tribunal of the name of the designated official;
4. Astrit Haraqija and Bajrush Morina to be released, at Pristina airport, into the custody of the security officer designated by the Registrar of the Tribunal who shall accompany Astrit Haraqija and Bajrush Morina for the remainder of their travel to Schiphol airport;
5. Astrit Haraqija and Bajrush Morina to be released, at Schiphol airport, into the custody of Dutch authorities and shall be transported to the UNDU, on 15 December 2008;

¹ Decision on Defence Application for Provisional Release of the Accused Astrit Haraqija, 15 September 2008, para. 13; Decision on Defence Application for Provisional Release of the Accused Bajrush Morina, 15 September 2008, para. 13.

² Scheduling Order for Pronouncement of Judgement, 21 November 2008, p. 2.

6. UNMIK to ensure the personal security and safety of Astrit Haraqija and Bajrush Morina until they are delivered at Pristina airport into the custody of the security officer designated by the Registrar of the Tribunal on 15 December 2008;

7. the Registrar of the Tribunal to ensure the personal security and safety of Astrit Haraqija and Bajrush Morina until they are delivered into the custody of the Dutch authorities at Schiphol airport on 15 December 2008;

8. the Government of the Kingdom of the Netherlands to ensure that Astrit Haraqija and Bajrush Morina are transported, under guard, from Schiphol Airport to the UNDU;

INSTRUCTS:

1. the Registrar of the Tribunal to consult with the Ministry of Justice of the Netherlands as to the practical arrangements for Astrit Haraqija's and Bajrush Morina's return to the UNDU;

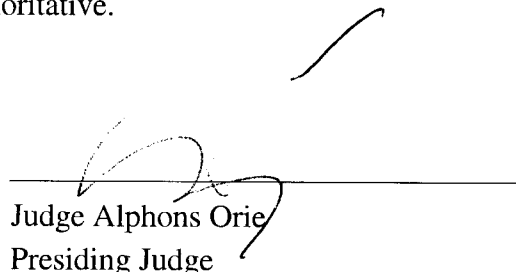
2. UNMIK, the Government of the Kingdom of the Netherlands and the Registry of the Tribunal to communicate with each other in order to facilitate the orderly return of Astrit Haraqija and Bajrush Morina to the UNDU;

REQUESTS the authorities of all States through whose territory Astrit Haraqija and Bajrush Morina may travel:

1. to hold Astrit Haraqija and Bajrush Morina in custody for any time that they will spend in transit; and

2. to arrest and detain Astrit Haraqija and Bajrush Morina pending their return to the UNDU in The Hague, should they attempt to escape.

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



Judge Alphons Orie
Presiding Judge

Dated this twenty-first day of November 2008

At The Hague

The Netherlands

[Seal of the Tribunal]