



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-03-66-I
Date: 27th January 2003
Original: English

BEFORE A JUDGE OF THE TRIBUNAL

Duty Judge: Judge Amin El Mahdi
Registrar: Mr. Hans Holthuis
Decision of: 27th January 2003

PROSECUTOR

v.

**Fatmir LIMAJ, a.k.a. Çeliku
Haradin BALA, a.k.a. Shala
Isak MUSLIU, a.k.a. Qerqiz
Agim MURTEZI, a.k.a. Murrizi**

CONFIDENTIAL

CONFIRMATION OF INDICTMENT

Office of the Prosecutor:

Andrew Cayley
Alex Whiting

I, Judge Amin El Mahdi, Judge 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 (“the Tribunal”), having been designated by the President as Duty Judge for the review of an indictment under Rule 28(A) of the Tribunal’s Rules of Procedure and Evidence (“the Rules”):

BEING SEIZED of the Prosecution’s “Motion for Confirmation of the Indictment, for the Issuance of Arrest Warrants and for Protective Measures”, filed confidentially on 15th January 2003” (“the Motion”), to which was attached an indictment against **Fatmir LIMAJ**, a.k.a. Çeliku, born on 4th February 1971 in Banja (Kosovo), **Haradin BALA**, a.k.a. Shala, born on 10th June 1957 in Gornja (Kosovo), **Isak MUSLIU**, a.k.a. Qerqiz, born on 31st October 1970 in Račak (Kosovo), and **Agim MURTEZI**, a.k.a. Murrizi, born on 20th February 1956 in Čučuljaga (Kosovo), (altogether “the Accused persons”);

HAVING EXAMINED, under Rule 47(E) of the Rules, the Motion, the Indictment, the attached Supporting Material and the Addendum to the Supporting Material, but finding in the Indictment certain issues in need of further clarification;

HAVING HEARD the Prosecutor on the 22nd January 2003 pursuant to Rules 47 and 53 of the Rules on the matter;

HAVING ADJOURNED the review under Rule 47(F)(iv) so as to give the Prosecutor the opportunity to modify the indictment, upon which a revised indictment was submitted by the Prosecutor to me on the 24th January 2003 along with a Declaration of 15th January 2003 by Howard Tucker in Support of the Indictment, the latter filed *confidentially and ex parte*;

TAKING INTO CONSIDERATION that pursuant to Article 19 of the Statute of the International Tribunal (“the Statute”) and Rule 47 of the Rules, I must be satisfied on the basis of my examination of each of the counts set forth in the Indictment that the Prosecution has established a *prima facie* case;

NOTING that in the Indictment, the Accused persons are alleged to have committed in Kosovo within the territory of The Former Yugoslavia, the following crimes: Crimes Against Humanity (imprisonment, torture, cruel treatment and murder), punishable under Article 5 of the Statute, and

Violations of the Laws and Customs of War (cruel treatment, torture and murder), punishable under Article 3 of the Statute;

AFTER HAVING CAREFULLY EXAMINED each count in the revised indictment and considered the Supporting Material provided by the Prosecutor, including the statements of 4 witnesses, three of which were themselves victims of the alleged crimes, and the two Declarations made by Howard Tucker, the last of which was filed confidential and *ex parte* on 24 January 2003;

BEING THEREBY SATISFIED that a *prima facie* case has been made out by the Prosecutor in the case against the Accused in respect of the crimes for which they are charged in the Indictment;

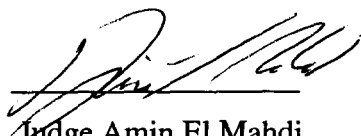
PURSUANT to Article 19 of the Statute and Rules 47, 53, 54, 55 and 59bis of the Rules;

HEREBY CONFIRM the Indictment in respect of each and every count therein;

AND ORDER THAT

1. Copies of the Arrest Warrants for the Accused persons, addressed to the Prosecutor, the United Nations Mission in Kosovo ("UNMIK"), to the NATO Kosovo Force ("KFOR") and to the competent authorities of any State Member of the United Nations, shall be transmitted to the Prosecutor who may, in her discretion, transmit them to UNMIK, KFOR and/or the said authorities for search and apprehension of the Accused persons;
2. With the exception of UNMIK, KFOR and the said authorities, there shall be no disclosure of the Indictment, this Decision or the Arrest Warrants until the Arrest Warrants are served upon the Accused, or until further order;
3. There, in any case, be no public disclosure of the Supporting Material until further order;

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



Judge Amin El Mahdi

Dated this twenty seventh ~~eight~~ day of January 2003
 At The Hague
 The Netherlands

(Seal of the Tribunal)