



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: 15 August 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: 15 August 2008

PROSECUTOR

v.

**ASTRIT HARAQLJA
and
BAJRUSH MORINA**

PUBLIC

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

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Dan Saxon

**United Nations Interim
Administration Mission in Kosovo**

Counsel for the Accused:

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

**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 Application for Provisional Release of Astrit Haraqija”, filed publicly on 13 May 2008, and the “Decision on Defence Motion for Provisional Release of the Accused Bajrush Morina”, filed publicly on 13 May 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 trial of this case is scheduled to take place on 8-12 September 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 3 September 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/Kosova to Priština/Prishtinë airport, on 3 September 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. at Priština/Prishtinë airport Astrit Haraqija and Bajrush Morina shall be provisionally released 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. at Schiphol airport, Astrit Haraqija and Bajrush Morina shall be released into the custody of Dutch authorities and shall be transported to the UNDU, on 3 September 2008;

¹ Decision on Application for Provisional Release of Astrit Haraqija, 13 May 2008, para. 17 and Decision on Defence Motion for Provisional Release of the Accused Bajrush Morina, 13 May 2008, para. 17.

² Decision on Haraqija and Morina Requests for Reconsideration of Scheduling Order and for Certification for Appeal, 29 May 2008.

6. UNMIK to ensure the personal security and safety of Astrit Haraqija and Bajrush Morina until they are delivered at Priština/Prishtinë airport into the custody of the security officer designated by the Registrar of the Tribunal on 3 September 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 3 September 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.

Dated this fifteenth day of August 2008

At The Hague

The Netherlands



Judge Alphons Orie
Presiding

[Seal of the Tribunal]