

## **Former Kosovo Official Jailed for Contempt**

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Ex-minister receives five-month prison term – the harshest sentence ever handed down for contempt at Hague tribunal.

Kosovo's former culture minister was sentenced to five months in prison this week after being convicted of warning a witness off testifying at the war crimes trial of former Prime Minister Ramush Haradinaj.

Astrit Haraqija was found guilty of contempt of court at the Hague tribunal after he convinced a journalist to meet a witness – known only as Witness Two to conceal his identity – and ask him not to give evidence.

Delivering his verdict, Judge Alphons Orie ruled that political journalist Bajrush Morina then “told Witness Two that other witnesses who had testified in the Haradinaj case before the tribunal were subsequently killed”.

Haraqija's co-accused Morina was also convicted, and given a three-month prison term.

“Bajrush Morina contacted Witness Two on July 2, 2007 and traveled to meet him on 10 and 11 July. During the meetings, Bajrush Morina told Witness Two that he had been sent by Astrit Haraqija to ask Witness Two not to testify against Haradinaj,” concluded Orie in the judgement.

Haradinaj, a former commander of the Kosovo Liberation Army, KLA, was acquitted by the tribunal in April this year after the prosecution failed to prove charges of war crimes committed against Serbs in Kosovo in 1998. Prosecutors are currently appealing the acquittal.

Judges in the Haradinaj trial, which was also presided over by Judge Orie, noted that some of the trial's scheduled witnesses were afraid to travel to The Hague to testify.

“The trial was being held in an atmosphere where witnesses felt unsafe,” said the judge, when he read the judgement acquitting Haradinaj of persecution, torture and rape.

Although Morina's lawyer Jens Dieckmann argued during the case that his client had no motive to intimidate a witness, judges decided that this did not prove he had not done so.

According to them, there was strong and convincing evidence that Morina's conduct amounted to contempt of court.

“Although the conduct of Bajrush Morina took the form of amicable advice and was staged in a friendly atmosphere, it was clear that Bajrush Morina's words were intended [to be] and could only be understood as a strong and unequivocal call on Witness Two to refrain from testifying,” said Judge Orie.

In convicting Haraqija, who grinned nervously in the dock before the hearing, judges found that although

he did not meet Witness Two personally, he had played a significant part in his intimidation.

The evidence established beyond reasonable doubt that Haraqija knew Witness Two was about to give evidence before the tribunal, and he “exercised his influence over Bajrush Morina” to intimidate him, said the judgement.

Judges found it “highly unlikely” that Morina would have traveled to meet the witness if Haraqija had not asked him to – a conclusion they took into consideration when sentencing both men.

Orie noted “a high degree of consistency throughout the entire evidence regarding Astrit Haraqija’s involvement” and concluded that his actions were politically motivated.

“Astrit Haraqija... had become involved in the defence of Ramush Haradinaj in the context of his political position within the Democratic Alliance of Kosovo and [Kosovo’s] coalition government under Haradinaj,” he said.

“Haraqija had repeatedly expressed discontent and lack of understanding with respect to the trial of Kosovars, such as Ramush Haradinaj, before this tribunal.”

Following the judgement, Haraqija’s lawyer Karim Khan made it clear that he would appeal, arguing that his client had received a “draconian” sentence, which he noted was the highest handed down for contempt of court at the tribunal.

Khan then asked the trial chamber to consider granting provisional release, pending the appeal.

He explained that he could not go through the normal procedure of applying to the tribunal’s appeals chamber, because it would not receive the appeal until the court’s winter recess ended in a month’s time.

“Given the five-month sentence that has been imposed and the one-month gap that is enforced upon the client due to no fault of his own because of the Christmas recess, it is my submission that your honours have inherent power... to grant provisional release pending an application to the appeal chamber,” said Khan.

Judges said they would consider if they were able to rule on Khan’s request.

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