

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

Case No. IT-04-84-R77.1

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

SHEFQET KABASHI

AMENDED 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:

SHEFQET KABASHI

with

CONTEMPT OF THE TRIBUNAL

THE ACCUSED

Shefqet Kabashi was born on 1 July 1976 in Zahaç in the municipality of Pejë/Peć in Kosova/Kosovo. From April to December 1998 he was a member of the Kosovo Liberation Army (KLA) *Ushtria Çlirimtare e Kosovës* (UÇK) in Jablanica/Jabllanicë.

CHARGES

COUNT 1

CONTEMPT OF THE TRIBUNAL

1. **Shefqet Kabashi** provided a signed statement to the Office of the Prosecutor on 24 October 2004 in relation to crimes charged in the case of Prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj, Case No. IT-04-84-T.

2. On about 31 May 2007 he travelled to the seat of the Tribunal at The Hague, The Netherlands, from his country of residence, the United States of America, to testify in the trial.
3. On 1 June 2007 he signed a statement for the Office of the Prosecutor, in Albanian and English, intended for tendering in those proceedings under Rule 92 *ter* of the Rules
4. On 5 June 2007, **Shefqet Kabashi** appeared before the Trial Chamber trying the case, to give evidence. After making the solemn declaration he refused to answer questions and testify.
5. Following his refusal to testify, the Trial Chamber issued an “Order in Lieu of Indictment on Contempt Concerning Shefqet Kabashi” and summonsed him to appear for trial on 7 June 2007.
6. On 7 June 2007, **Shefqet Kabashi** failed to appear for trial. He returned to the United States and has not returned to The Hague for trial.

Shefqet Kabashi, being a witness before a Chamber in the case of Prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj, contumaciously refused or failed to answer a question.

By these acts and omissions **Shefqet Kabashi** committed contempt of the Tribunal, punishable under the Tribunal’s inherent powers under Rule 77 (A) (i) and Rule 77 (G) of the Rules, by knowingly and wilfully interfering with the administration of justice.

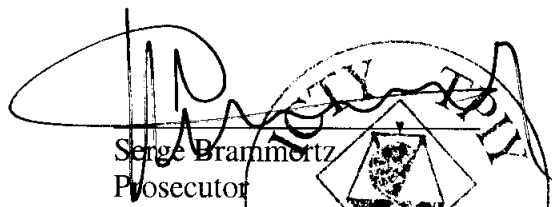
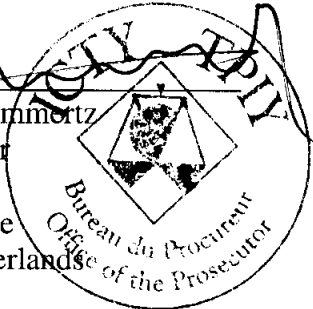
COUNT 2

CONTEMPT OF THE TRIBUNAL

7. On 1 November 2007 the same Trial Chamber ordered **Shefqet Kabashi** to appear to testify in the trial of Prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj by video-conference link.
8. Judicial authorities of the United States subpoenaed **Shefqet Kabashi** to testify by video-link from the State of New York on 20 November 2007.
9. On 20 November 2007 **Shefqet Kabashi** appeared by video-conference link before the Trial Chamber to testify. After making the solemn declaration he refused to answer questions and testify.

Shefqet Kabashi, being a witness before a Chamber in the case of Prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj, contumaciously refused or failed to answer a question.

By these acts and omissions **Shafqet Kabashi** committed contempt of the Tribunal, punishable under the Tribunal's inherent powers under Rule 77 (A) (i) and Rule 77 (G) of the Rules, by knowingly and wilfully interfering with the administration of justice.


Serge Brammertz
Prosecutor
The Hague
The Netherlands


18 February 2008