



(IT-03-66-R77)

BEQA BEQAJ**BEQA BEQAJ***Convicted of contempt of the Tribunal in the case of the Prosecutor v. Limaj et al. (IT-03-66)*Relative of Isak Musliu, an accused in the case of *The Prosecutor v. Limaj et al.*

- Sentenced to four months' imprisonment

*Crimes convicted of:***Contempt of the Tribunal (Rule 77(A) (iv) of the Rules of Procedure and Evidence)**

- Beqaj wilfully and knowingly interfered with a witness and the administration of justice in the *Limaj et al.* case.

Indictment	Initial: 29 October 2004, made public on 4 November 2004; amended: 8 November 2004
Arrested	19 October 2004
Transferred to the ICTY	4 November 2004
Initial appearance	8 November 2004, pleaded not guilty to all charges
Trial Chamber Judgement	5 May 2005, sentenced to four months' imprisonment
Sentence served	Credit was given for time spent in detention; Beqaj was released immediately

STATISTICS

Trial days	4
Witnesses called by Prosecution	3
Witnesses called by Defence	0

TRIAL	
Commenced	25 April 2005
Closing arguments	2 May 2005
Trial Chamber I	Judge Amin El Mahdi (presiding), Judge Liu Daqun, Judge György Szénási
Counsel for the Prosecution	David Akerson, Jason Dominguez
Counsel for the Defence	Tjarda Eduard van der Spoel
Judgement	5 May 2005

RELATED CASES <i>by geographical area</i>
LIMAJ <i>et al.</i> (IT-03-66)

INDICTMENT AND CHARGES

In accordance with Rule 77 of its Rules of Procedure and Evidence, the Tribunal can conduct proceedings for contempt of court. The ICTY's jurisdiction in respect of contempt is not expressly outlined in the Statute. However, it is firmly established that the Tribunal possesses an inherent jurisdiction, deriving from its judicial function, to ensure that its exercise of the jurisdiction expressly given to it by the Statute is not frustrated and that its basic judicial functions are safeguarded. Those who knowingly and wilfully interfere with the Tribunal's administration of justice in such a way may, therefore, be held in contempt of the Tribunal.

In October 2004, Beqaj was questioned by investigators from the Office of the Prosecutor on suspicion of witness interference. On 21 October 2001, the Prosecution filed an indictment against Beqaj. The indictment was confirmed on 29 October 2004 and placed under seal. Its confidentiality was lifted on 4 November 2004. On 8 November 2004, the Chamber orally granted leave to amend the indictment in order to correct the spelling of the first name of the accused.

According to the indictment, Beqaj, individually and with others, incited, attempted to commit, committed, or conspired to commit contempt of the Tribunal. It was alleged that, between 17 February 2003 and 19 October 2004, Beqaj had interfered with two potential witnesses in the *Limaj et al.* trial on six occasions, and that by doing so he had knowingly and wilfully interfered with the administration of justice in the case. Beqaj was detained as a suspect in Priština from 19 October 2004 to 29 October 2004 at the request of the Prosecution and under an order issued by the United Nations Mission in Kosovo (UNMIK). He was transferred to the custody of the Tribunal on 4 November 2004.

TRIAL

The trial began on 25 April 2005 and ended on 2 May 2005.

During the trial, the Prosecution presented three witnesses to prove its allegations that Beqaj had sought to convince the witnesses to withdraw their statements against the accused in the *Limaj et al.* case. The Defence chose not to call any witnesses and Beqaj made a statement denying the charges in the indictment.

TRIAL CHAMBER JUDGEMENT

As a preliminary matter, the Chamber dealt with the Defence's objections concerning the offence of contempt, reiterating that the Tribunal had the inherent power to punish conduct which tended to obstruct, prejudice or abuse its administration of justice.

With regard to the incidents alleged by the Prosecution, the Trial Chamber did not find any evidence supporting the allegations that Beqaj had either threatened, intimidated or offered a bribe to the witnesses. However, it found that in relation to one witness there was evidence establishing beyond reasonable doubt that Beqaj had wilfully and knowingly interfered with that witness and the administration of justice.

On 5 May 2005, the Trial Chamber rendered its oral decision, finding Beqaj guilty of contempt of the Tribunal pursuant to Rule 77 (A)(iv) of the Rules of Procedure and Evidence. Beqaj was found not guilty of attempted contempt and incitement to contempt of the Tribunal pursuant to Rules 77 (A)(iv) and (B) of the Rules of Procedure and Evidence. A written judgement was made available on 27 May 2005.

Sentence: four months' imprisonment.

Credit was given for time served at the Tribunal's detention facility, and Beqaj was immediately released following the pronouncement of the judgement.