

**UNITED
NATIONS**



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-95-14-PT

Date: 1 May 1997

Original: ENGLISH

TRIAL CHAMBER II

Before: Judge Gabrielle Kirk McDonald, Presiding
Judge Elizabeth Odio Benito
Judge Saad Saood Jan

Registrar: Mrs. Dorothee de Sampayo Garrido Nijgh

Order of: 1 May 1997

The Prosecutor

v.

Tihomir Blaškić

ORDER REGARDING SUBPOENA DUCES TECUM

To: The Office of the Prosecutor

To: The Republic of Croatia

TRIAL CHAMBER II

NOTING that during the hearings of 16 and 17 April 1997, the Government of the Republic of Croatia expressed its desire to submit additional written briefing ("Final Brief") on the power of the International Tribunal to issue a subpoena to a sovereign state and the other related issues as referred to in the Order of Judge Gabrielle Kirk McDonald of 7 March 1997 (*Order Regarding Subpoena Duces Tecum*, 7 March 1997, Official Record at Registry Page D3413-3411);

NOTING that the Trial Chamber granted leave to the Government of the Republic of Croatia to submit their Final Brief within fourteen working days after the hearing;

FURTHER NOTING that the Government of the Republic of Croatia indicated during the same hearing that it would make available to the Prosecution a draft of its Final Brief within two weeks after the hearing;

CONSIDERING that the Trial Chamber directed the Prosecutor to submit its Reply no later than ten working days after receiving the draft of the Final Brief from the Government of the Republic of Croatia;

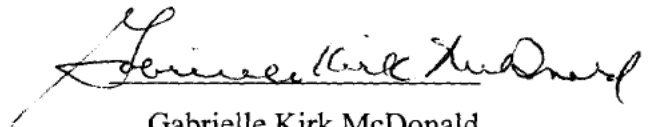
PURSUANT to Rule 54 of the Rules of Procedure and Evidence,

HEREBY ORDERS the Government of the Republic of Croatia to file its Final Brief with the Registry no later than Thursday, 8 May 1997 and the Prosecution to file its Reply no later than Friday, 23 May 1997,

AND DIRECTS the parties to assure that their Final Brief and Reply address the following issues:

1. The relevance of denominating a requesting document of the International Tribunal addressed to a State as a *subpoena duces tecum* rather than an order compelling the production of documents;

2. The necessity of issuing a subpoena to a State for the production of documents that are under the control of a government official of that State;
3. The effect on a State of the determination by the International Tribunal that a government official of that State is in contempt;
4. The relevant legislation and case law of Costa Rica, Pakistan and the United States and any other relevant authorities in regard to the power of a court to hold in contempt a government official.



Gabrielle Kirk McDonald

Presiding Judge

Dated this first day of May 1997

At The Hague

The Netherlands