



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of the  
Former Yugoslavia since 1991

Case No.: IT-95-17/1-PT

Date: 13 March 1998

Original: ENGLISH

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**IN THE TRIAL CHAMBER**

**Before:** Judge Florence Ndepele Mwachande Mumba, Presiding  
Judge Antonio Cassese  
Judge Richard May

**Registrar:** Mrs. Dorothee de Sampayo Garrido-Nijgh

**Order of:** 13 March 1998

**PROSECUTOR**

**v.**

**ANTO FURUNDŽIJA**

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**ORDER**

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**The Office of the Prosecutor:**

Mr. Mark Harmon  
Mr. Terree Bowers  
Mr. Michael Blaxill  
Ms. Patricia Viseur-Sellers

**Counsel for the Accused:**

Mr. Luka Misetić

**THIS TRIAL CHAMBER** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 ("International Tribunal");

**BEING SEISED of:**

(i) A confidential Defence motion to compel production of certain documents by the Office of the Prosecutor ("Prosecution") filed on 11 February 1998 ("Disclosure Motion"), the Prosecution's Response to the Disclosure Motion filed on 23 February 1998 and the Defence reply brief thereto filed on 6 March 1998; and

(ii). A Defence motion to dismiss counts 12, 13 and 14 of the Indictment filed on 25 February 1998 ("First Dismissal Motion"), the Defence motion to dismiss count 12 of the Indictment filed on 27 February 1998 ("Second Dismissal Motion") and the Prosecution's response filed on 6 March 1998 ("Dismissal Motions Response");

**HAVING READ** the sealed witness statement confidentially provided to it by the Prosecution ("Witness Statement") further to the Trial Chamber's order of 4 March 1998 and being of the view that the Witness Statement is irrelevant to the case of the Prosecution against the accused, Anto Furundžija;

**HAVING HEARD** the oral arguments of the parties in closed session on 9 March 1998;

**CONSIDERING** that the Prosecution informed the Trial Chamber in its Dismissal Motion Response and during the aforementioned oral arguments, that it did not intend to pursue count 12 of the Indictment;

**CONSIDERING FURTHER** that the Trial Chamber recommends that in future cases involving multiple accused, when seeking confirmation of the indictment, the Prosecution should indicate which part of the supporting material relates to each particular accused;

**NOTING** the Trial Chamber's oral delivery of its decision on the Disclosure Motion in closed session on 9 March 1998;

**HEREBY ORDERS AS FOLLOWS:**

- (i). The Disclosure Motion is denied, the Witness Statement shall remain sealed and shall not be disclosed to the Defence;
- (ii). The Second Dismissal Motion is denied, however the Prosecution shall by 31 March 1998 file a document specifying how the accused, Anto Furundžija, is alleged to have breached Article 7(1) of the Statute of the International Tribunal;
- (iii). The Prosecution is granted leave to withdraw count 12 of the Indictment against the accused, Anto Furundžija.

Done in both English and French, the English text being authoritative.



Florence Ndepele Mwachande Mumba  
Presiding Judge

Dated this thirteenth day of March 1998  
At The Hague,  
The Netherlands.

**[Seal of the Tribunal]**