



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-T

Date: 29 April 1998

English

Original: French

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**IN THE TRIAL CHAMBER**

**Before:** Judge Claude Jorda, Presiding  
Judge Fouad Riad  
Judge Mohamed Shahabuddeen

**Registrar:** Mr. Jean-Jacques Heintz, Deputy Registrar

**Order of:** 29 April 1998

**THE PROSECUTOR**

v.

**TIHOMIR BLAŠKIĆ**

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**ORDER TO BOSNIA AND HERZEGOVINA FOR  
THE PRODUCTION OF DOCUMENTS**

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**Defence Counsel:**

**Mr. Anto Nobile  
Mr. Russell Hayman**

I, Claude Jorda, Presiding Judge of Trial Chamber I 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 (hereinafter “the Tribunal”),

**CONSIDERING** the application General Blaškić’s Defence counsel filed *ex parte* and confidentially on 6 March 1998 for issuance of an order to Bosnia and Herzegovina compelling the production of exculpatory documents (hereinafter “the Application”),

**CONSIDERING** the Appeals Chamber Judgment on the “Request of the Republic of Croatia for a review of the decision of Trial Chamber II of 18 July 1997” dated 29 October 1997 (hereinafter “the Appeals Chamber Judgment”),

**CONSIDERING** the order compelling the production of documents issued to the Republic of Bosnia and Herzegovina by Judge Saad Saood Jan on 28 April 1997,

**CONSIDERING** the Defence brief dated 20 April 1998 requesting the production of an additional document (hereinafter “the Brief”),

**PURSUANT** to Article 29 of the Statute of the Tribunal and Rule 54 of the Rules of Procedure and Evidence,

**CONSIDERING** that, in its Application, the Defence requests that the Trial Chamber issue an order compelling Bosnia and Herzegovina to disclose two categories of “crucial” documentary evidence concerning the presence, structure, capabilities and activities of the Army of Bosnia and Herzegovina (“ABiH”) in Central Bosnia at times relevant to this case,

**CONSIDERING** that the additional document requested in the Brief is clearly identified, dated and, in view of its nature, relevant,

**CONSIDERING** that, in respect of the other documents for which a disclosure order has been requested of the Trial Chamber, they include documents covered by the order of 28 April 1997, but that the Defence states that the documents disclosed by Bosnia and Herzegovina on 30 May and 12 December 1997 do not correspond, or correspond only in small part, to the documents being sought,

**CONSIDERING** that, according to the Defence, the request relates “to a very few, specific documents that are urgently needed for the effective defense of the accused”,

**CONSIDERING** that the requested documents are explicitly identified and limited in number,

**CONSIDERING** that the documents, whose production is being requested, might constitute exculpatory evidence and, as such, appear especially necessary to arrive at the truth,

**CONSIDERING** that the authorities of Bosnia and Herzegovina have already had the necessary time to identify, locate and produce the documents in question,

**CONSIDERING** that in respect of one category of documents, the period in question extends to 31 May 1994, that is beyond the period covered by the indictment; that the Defence has not justified its request on this point; that 31 January 1994 should, therefore, be established as the date beyond which the Defence motion may not extend,

**CONSIDERING** that, in view of the above, the Defence Requests, as limited by the present Trial Chamber, appear to be reasoned, specific, and reasonable, within the terms of the Appeals Chamber Judgment,

**ORDER** Bosnia and Herzegovina to disclose to the Defence the documents, the confidential list of which is annexed *ex parte* to the present Decision, as soon as practicable and no later than 5 June 1998.

Done this twenty-ninth day of April 1998,  
At The Hague,  
The Netherlands

Done in French and English, the French version being authoritative.

(signed)

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Claude Jorda  
Presiding Judge Trial Chamber I

**(SEAL OF THE TRIBUNAL)**