



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-97-24-PT  
Date: 23 June 1998  
Original: ENGLISH

**IN THE TRIAL CHAMBER**

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

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

**Decision of:** 23 June 1998

**PROSECUTOR**

**v.**

**MILAN KOVAČEVIĆ**

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**DECISION REFUSING DEFENCE MOTION FOR SUBPOENA**

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**The Office of the Prosecutor:**

Ms. Brenda Hollis  
Mr. Michael Keegan

Ms. Ann Sutherland

**Counsel for the Accused:**

Mr. Dusan Vučićević  
Mr. Anthony D'Amato

THE TRIAL CHAMBER,

NOTING the Defence Motion For Subpoena To OCSE Mission In Bosnia filed on 17 June 1998 ("the Motion"),

NOTING ALSO THAT the Registry of the International Tribunal has already made contact with the OCSE on behalf of the Defence and has received a reply indicating that the information sought will not be provided to individuals,


NOTING FURTHER THAT information essentially the same as, or similar to, that sought to be obtained by the issue of such subpoena is already in the public domain and has been submitted to the International Tribunal in other matters,

CONSIDERING THAT the International Tribunal has no authority to issue such subpoena to the OSCE, it being an international organization and not a State,

PURSUANT TO RULE 54 of the Rules of Procedure and Evidence of the International Tribunal ("the Rules")

HEREBY DENIES the Motion.

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

  
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Richard May  
Presiding Judge

Dated this twenty-third day of June 1998  
At The Hague  
The Netherlands

[Seal of the Tribunal]