



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-97-24-T

Date: 25 November 1998

Original: English

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**IN THE TRIAL CHAMBER**

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

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

**Order of:** 25 November 1998

**PROSECUTOR**

**v.**

**MILAN KOVAČEVIĆ**

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**ORDER ON PROSECUTION REQUEST FOR HEARING ON THE ISSUE OF  
DEFENCE NON-COMPLIANCE WITH TRIAL CHAMBER ORDERS**

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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. John Ostojić

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"),

NOTING the "Request For A Hearing On The Issue Of Defence Non-compliance With Trial Chamber Orders For Non-disclosure And Violation Of The Decision On Prosecution Motion To Protect Victims And Witnesses" filed by the Office of the Prosecutor ("Prosecution") on 2 November 1998 ("the Request for Hearing"),

NOTING that counsel for the deceased accused has not responded to the Request,

NOTING the Order of the Trial Chamber of 24 August 1998 terminating the proceedings in this case due to the death of the accused, in which the Trial Chamber reminded the parties that the Orders and Decisions for Protective Measures issued by the Trial Chamber in this matter remain in force,

CONSIDERING that, of the allegations raised in the Request for Hearing, those contained in paragraph 7 constitute prima facie evidence of a breach of the Order for Non-disclosure issued by the Trial Chamber on 3 July 1998,

CONSIDERING that the other allegations raised in the Request for Hearing constitute prima facie evidence of a breach of the Decision on Protective Measures issued by the Trial Chamber on 12 May 1998,

CONSIDERING FURTHER the serious nature of matters of witness protection for all parties appearing before the Tribunal and the particular obligations placed upon counsel, whether appearing for the Prosecution or the defence,

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

HEREBY ORDERS as follows:

- (1) Counsel for the deceased accused shall return the ITN videotapes to the Prosecution immediately and shall provide to the Trial Chamber, within seven days of the date hereof, confirmation of the return of the original tapes and of all copies made by the defence;

- (2) Counsel for the deceased accused shall by Wednesday 9 December 1998 file a written response to the allegations contained in the Request for Hearing, in particular, those relating to the disclosure of witness statements.

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

*Remay*

Richard May  
Presiding Judge

Dated this twenty-fifth day of November 1998  
At The Hague  
The Netherlands

[Seal of the Tribunal]