



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-95-14/2-PT  
Date: 22 January 1999  
Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Richard May, Presiding  
Judge Mohamed Bennouna  
Judge Patrick Robinson

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

**Order of:** 22 January 1999

**PROSECUTOR**

v.

**DARIO KORDIĆ  
MARIO ČERKEZ**

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**ORDER TO THE REPUBLIC OF CROATIA FOR THE PRODUCTION OF DOCUMENTS**

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**The Office of the Prosecutor**

Mr. Geoffrey Nice  
Ms. Susan Somers  
Mr. Patrick Lopez-Terres  
Mr. Kenneth Scott

**Defence Counsel**

Mr. Mitko Naumovski, Mr. Leo Andreis, Mr. David F. Geneson, Mr. Turner T. Smith, Jr.,  
and Ms. Ksenija Turković, for Dario Kordić  
Mr. Božidar Kovačić, for Mario Čerkez

**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 (“the International Tribunal”),

**NOTING** the Prosecutor’s Application for an Order to the Republic of Croatia for the Production of Documents, with a confidential annex attached (“the Annex”), filed by the Office of the Prosecutor (“the Prosecution”) on 24 July 1998, and the Prosecutor’s Memorandum in Support of Request for Order to Republic of Croatia for the Production of Documents, filed *ex parte* and under seal by the Prosecution on 24 July 1998,

**NOTING** the Opposition of the Republic of Croatia to the Prosecutor’s Application for an Order to the Republic of Croatia for the Production of Documents, filed *ex parte* and under seal by counsel for the Republic of Croatia on 28 August 1998,

**NOTING** the Prosecutor’s Request to set the Prosecutor’s 24 July 1998 Application for an Order to the Republic of Croatia for Hearing on 8 January 1999, filed by the Prosecution on 18 December 1998, and the Response of the Republic of Croatia to the Prosecutor’s Request to Set the Prosecutor’s 24 July 1998 Application for an Order to the Republic of Croatia for Hearing on 8 January 1999, filed by counsel for the Republic of Croatia on 5 January 1999,

**NOTING** the arguments of the Parties heard in closed session on 8 January 1999,

**CONSIDERING** the Appeals Chamber Judgement on the Request of the Republic of Croatia for Review of the Decision of Trial Chamber II of 18 July 1997, in *Prosecutor v. Blaskić*, Case No. IT- 95-14-T, of 29 October 1997, in which the Appeals Chamber specified the following conditions for an order for the production of documents: “Any request for an order for production of documents issued under Article 29, paragraph 2, of the Statute, whether before or after the commencement of a trial, must: (1) identify specific documents and not broad categories. . . . ; (2) set out succinctly the reasons why such documents are deemed relevant to the trial. . . . ; (3) not be unduly onerous. . . . ; (4) give the requested State sufficient time for compliance. . . . ”,

**CONSIDERING** that those conditions are mandatory and cumulative,

**CONSIDERING** that some of the documents sought by the Prosecution in the Annex are not

relevant to this case, and that for others, no reasons have been given as to why the documents are “deemed relevant”,

**CONSIDERING**, however, that two of the requests set out in the Annex, IV and V, are relevant to this trial as they relate to the facts charged in the Indictment and meet the other criteria set by the Appeals Chamber,

**CONSIDERING** also the requirement to set reasonable and workable deadlines for compliance with an order for the production of documents,

**PURSUANT TO** Article 29 of the Statute of the International Tribunal and Rule 54 of the Rules of Procedure and Evidence

**ORDERS** the Republic of Croatia to disclose to the Prosecution the documents listed in confidential Annex A as soon as possible and no later than within sixty days of the date of this order.

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



Richard May  
Presiding Judge

Dated this twenty-second day of January 1999  
At The Hague  
The Netherlands

[Seal of the Tribunal]