



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-00-41-PT
Date: 9 April 2002
Original: English
French

IN THE TRIAL CHAMBER

Before: Judge Amin El Mahdi

Registrar: Mr. Hans Holthuis

Decision of: 9 April 2002

THE PROSECUTOR

v.

PAŠKO LJUBIČIĆ

NON-DISCLOSURE ORDER

The Office of the Prosecutor:
Mr. Mark Harmon

Defence Counsel:
Mr. Tomislav Jonjić

I, Amin El Mahdi, Judge at 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”),

NOTING the Decision of 3 December 2001 designating me as pre-trial Judge in this case,

PURSUANT to Articles 20, 21 and 22 of the Statute and Rules 2, 54 and 75 of the Rules of Procedure and Evidence of the Tribunal,

NOTING the Prosecutor’s Motion dated 11 February 2002 for an Order of Non-Disclosure by Defence to the public of confidential or non-public documents, communicated to Defence by the Prosecution (hereinafter “the Motion”),

NOTING the Defence response of 18 February and the Prosecutor’s corrigendum of 21 February 2002,

HAVING HEARD the parties at the status conference of 21 March 2002,

CONSIDERING that the reasons presented by the Prosecutor in support of the Motion are convincing; that, at the present stage in the proceedings, the Defence does not moreover object to the measures sought,

CONSIDERING that it is in the interests of a fair trial and the proper administration of justice to take the measures which appear necessary to ensure the protection of the witnesses while allowing the Defence to prepare itself,

FOR THE FOREGOING REASONS,

GRANT the Motion;

ORDER that Defence refrain from disclosing to the public or making public in any way the confidential or non-public documents received from or through the Prosecutor except for and only what is strictly necessary for the preparation and presentation of documents which it intends to submit for the Judge’s evaluation;

STATE that, for the purposes of this Decision, “public” denotes any person, entity, governmental or non-governmental organisation, association or group other than the Judges, Registry personnel, Prosecutor, personnel of the Office of the Prosecutor and Defence;

ORDER furthermore that Defence shall keep a logbook which is always accessible to the Chamber containing the names of any person, legal assistant, investigator, secretary or other, members of the Defence team and the names of any other person to whom information protected by this Decision has been communicated and the reasons for that communication; **ORDER** lastly that should counsel for the Defence cease to exercise his functions in this case, he shall transmit all the documents received from or through the Prosecutor which are in his possession or available to him to the other Defence counsel or to the newly appointed Defence counsel.

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

Done this ninth day of April 2002
At The Hague
The Netherlands

(signed)

Amin El Mahdi
Pre-trial Judge