

IT-94-2-PT
D 3689 - D 3687
11 JULY 2002

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UNITED
NATIONS



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: IT-94-2-PT
Date: 11 July 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Pre-Trial Judge
Registrar: Mr Hans Holthuis
Decision of: 11 July 2002

PROSECUTOR

v

Dragan NIKOLIĆ

ORDER ON PRODUCTION OF INFORMATION

The Office of the Prosecutor:
Mr Upawansa Yapa

Counsel for accused
Mr Howard Morrison

I, **Carmel Agius**, Pre-Trial Judge in these proceedings;

BEING SEIZED OF the “Motion to Determine Issues as Agreed between the Parties and the Trial Chamber as Being Fundamental to the Resolution of the Accused’s Status before the Tribunal in Respect of the Jurisdiction of the Tribunal under Rule 72 and Generally, the Nature of the Relationship between the OTP and SFOR and the Consequences of any Illegal Conduct Material to the Accused, his Arrest and Subsequent Detention” (“Motion”), filed by the Accused Nikolić on 29 October 2001;

NOTING the “Prosecutor’s Response to Defence “Motion to Determine Issues as Agreed between the Parties and the Trial Chamber ... and the Consequences of any Illegal Conduct Material to the Accused, his Arrest and Subsequent Detention”, filed 29 October 2001” (“Response”), filed by the Prosecution on 12 November 2001;

NOTING the Agreement between parties, reached after the Status Conference of 29 August 2001, on the legal issues that needs to be resolved first before a further hearing may be held to determine the factual circumstances of the Accused’s arrest;

NOTING that the “assumed facts” on which the legal arguments of parties were to be based were the portions of the Accused’s statement to the OTP as to the circumstances of his arrest;

NOTING that the Trial Chamber has never received copies of these portions of the Accused’s statement;


CONSIDERING that access for the Trial Chamber to these portions is of crucial importance to decide upon the Motion;

PURSUANT TO Rule 54 of the Rules;

HEREBY ORDER that the parties, in consultation with each other, provide a copy of the relevant portions of the Accused's statement to the Trial Chamber at the latest on Friday 12 July 2002, at close of business.

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

Dated this 11th day of July 2002,
At The Hague,
The Netherlands.



Judge Carmel Agius
Pre-Trial Judge

[Seal of the Tribunal]