



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-02-62-I
Date: 17 September 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Liu Daqun
Registrar: Mr. Hans Holthuis
Decision of: 17 September 2002

PROSECUTOR

v.

JANKO BOBETKO

CONFIDENTIAL EX PARTE

**DECISION ON REVIEW OF INDICTMENT
AND ORDER FOR NON-DISCLOSURE**

Office of the Prosecutor:

Carla del Ponte, Prosecutor

I, Judge Liu Daqun, Judge 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”):

BEING SEISED OF an Indictment (“Indictment”) and supporting material transmitted and filed on 23 August 2002 by the Office of the Prosecutor (“Prosecutor”) against Janko BOBETKO, born on 10 January 1919 in the Republic of Croatia, and former Chief of the Main Staff of the Croatian Army;

BEING SEISED OF the “Prosecutor’s Motion for an Order for the Issue of an Indictment Under Seal of Confidentiality”, filed confidentially and *ex parte* on 23 August 2002;

HAVING HEARD the Prosecutor pursuant to Rules 47 and 53 of the Rules of Evidence and Procedure of the International Tribunal (“Rules”) on 13 September 2002;

CONSIDERING that Article 19 of the Statute of the International Tribunal (“Statute”) requires a Judge to whom an indictment has been transmitted to review it and, if “satisfied that a *prima facie* case has been established by the Prosecutor”, to confirm the indictment;

CONSIDERING that Rule 47 requires a Judge to examine each of the counts in the indictment and any supporting material the Prosecutor may provide to determine, applying the standard in Article 19, whether a case exists against the suspect;

NOTING that in the Indictment, Janko BOBETKO is alleged by his acts and omissions to have committed in the territory of the Republic of Croatia, from 9 September 1993 until on or about 17 September, the following crimes: violations of the laws or customs of war (murder, plunder of property and wanton destruction of cities, towns, or villages), as recognised by Article 3 of the Statute and crimes against humanity (murder and persecutions) punishable by Article 5 of the Statute.

CONSIDERING that I have carefully examined each count and considered the supporting material provided by the Prosecutor, including indictment proof chart, the statements and interview protocols of witnesses, whom are survivors and eye-witnesses of the charged crimes;

CONSIDERING that, on the basis of the material submitted by the Prosecutor, a *prima facie* case against Janko BOBETKO in respect of the crimes with which he is charged in the Indictment has been established;

PURSUANT to Article 19 of the Statute and Rules 47, 53 *bis*, 54, 55 and 59 *bis* of the Rules;

HEREBY CONFIRM the Indictment in respect of each and every count therein;

AND ORDER that:

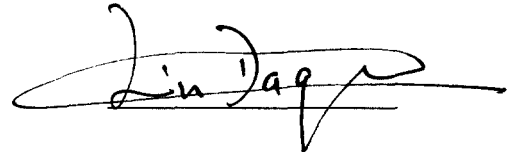
1. There shall be no public disclosure of the supporting material until further order;
2. Other than to representatives of the Office of the Prosecutor, there shall be limited internal disclosure within the Tribunal of the Indictment to only those individuals who have a compelling need to know or who require access to the indictment or supporting material to perform their normal duties.

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

Dated this seventeenth day of September 2002

At The Hague,

The Netherlands



Judge Liu Daqun

Judge of the International
Criminal Tribunal for the
Former Yugoslavia

[Seal of the Tribunal]