

UNITED
NATIONS

IT-00-41-PT
D2269-D2267
06 FEBRUARY 2003

~~IT-95-14/2-A~~
~~A5281-A5279~~
~~06 FEBRUARY 2003~~

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2269 AT



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-A
Date: 6 February 2003
Original: English

IN THE APPEALS CHAMBER

Before: Judge David Hunt, Pre-Appeal Judge

Registrar: Mr Hans Holthuis

Decision of: 6 February 2003

PROSECUTOR

v

**DARIO KORDIĆ
MARIO ČERKEZ**

ORDER TO THE REGISTRAR

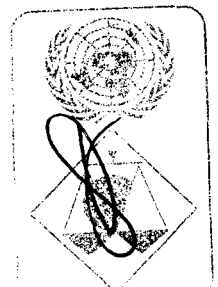
Counsel for the Prosecutor:
Mr Norman Farrell

Counsel for Dario Kordić and Mario Čerkez:
Mr Mitko Naumovski
Mr Božidar Kovačić

Counsel for Paško Ljubičić:
Mr Tomislav Jonjić

Case No.: IT-95-14/2-A

6 February 2003



I, Judge Hunt, Pre-Appeal Judge in this case;

NOTING the “Order on Paško Ljubičić’s Motion for Access to Confidential Supporting Material, Transcripts and Exhibits in the *Kordić and Čerkez* case”, dated 19 July 2002 (“Order”), whereby the Appeals Chamber granted Ljubičić access to confidential supporting material, transcripts and exhibits in the *Kordić and Čerkez* case and ordered the defence and the prosecution in the *Kordić and Čerkez* case to, *inter alia*, file a document identifying the confidential supporting material, transcripts and exhibits from the *Kordić and Čerkez* trial which it considered to be relevant to the Ljubičić’s case as well as the material which it considered not to be relevant to Ljubičić, and state in some detail the reasons and criteria which led to its conclusion in that regard;

NOTING that, by letter of 1 July 2002, counsel for Čerkez said that he did not intend to file any document under seal nor request closed session or any other protective measures for any of his witnesses called at trial;

CONSIDERING that this letter is regarded as a response to the Order made, that Čerkez is not objecting to any disclosure of the defence material to Ljubičić;¹

NOTING that, by letter of 1 July, counsel for Kordić said that, provided appropriate protective measures are put into place, he had no objection to Ljubičić having access to all of the material filed in the *Kordić and Čerkez* at trial;

NOTING that counsel for Kordić did not make any further submission as to appropriate measures;

NOTING the letter of 15 November 2002 sent by the Senior Legal Officer of the Appeals Chamber to counsel for Kordić, Čerkez and Ljubičić provided that

- (i) in the absence of any further submission since 1 July 2002, the Appeals Chamber proposed to regard the response by counsel for Kordić as also not objecting to any disclosure of the defence material to Ljubičić without protective measures;
- (ii) the Appeals Chamber intended to grant access to Ljubičić;
- (iii) the Appeals Chamber will request the Registry to release immediately all defence confidential supporting material, transcripts and exhibits in the *Kordić and Čerkez*

¹ See, Letter of Senior Legal Officer of the Appeals Chamber, 15 Nov 2002.

case in an un-redacted form to Ljubičić, unless an objection is filed by either Kordić or Čerkez by Wednesday, 20 November 2002;

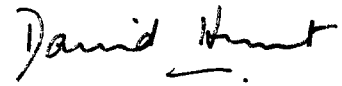
NOTING that no such objection was filed;

CONSIDERING that Kordić's letter is regarded as a response to the Order made, that Kordić is not objecting to any disclosure of the defence material to Ljubičić;

CONSIDERING that all protective measures ordered by the Trial Chamber will remain in place;

HEREBY ORDER the Registry to release immediately all defence confidential supporting material, transcripts and exhibits in the *Kordić and Čerkez* case in an un-redacted form to Ljubičić.

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



David Hunt
Pre-Appeal Judge

Done this 6th February 2003,
At The Hague,
The Netherlands.

[Seal of the Tribunal]

