



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-03-68-I

Date: 28 March 2003

Original: ENGLISH

BEFORE A JUDGE OF THE TRIBUNAL

Before: Judge Richard May

Registrar: Mr. Hans Holthuis

Decision of: 28 March 2003

PROSECUTOR

v.

NASER ORIC

EX PARTE AND UNDER SEAL

**CONFIRMATION OF INDICTMENT
AND
ORDER FOR NON-DISCLOSURE**

Office of the Prosecutor:

Ms. Carla Del Ponte, Prosecutor

I, Judge Richard May, 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”);

HAVING BEEN DESIGNATED as the reviewing Judge by the President of the International Tribunal pursuant to Rule 28 of the Rules of Procedure and Evidence (“Rules”) on 24 March 2003;

BEING SEISED of an Indictment and supporting material filed on 17 March 2003 by the Office of the Prosecutor (“Prosecutor”) against **NASER ORIĆ** (born on 3 March 1967) (“Indictment”), and of an accompanying “Motion for Issue of Indictment Under Seal of Confidentiality and Warrants of Arrest and Orders for Surrender and Transmission of Orders” filed *ex parte* and confidentially on 17 March 2003;

HAVING HEARD the Prosecutor pursuant to Rules 47 and 53 of the Rules on 28 March 2003;

CONSIDERING on the basis of material submitted by the Prosecutor that a *prima facie* case against **NASER ORIĆ** in respect of the crimes with which he is charged in the Indictment has been established;¹

PURSUANT to Article 19 of the Statute of the International Tribunal and Rules 28, 47, 53, 54, 55 and 59 *bis* of the Rules;

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


¹ I apply the *prima facie* test pronounced by Judge Kirk McDonald when she confirmed the *Kordić et al* Indictment, *Prosecutor v. Kordić et al*, Case No. IT-95-14-I, Decision on the Review of the Indictment, 10 November 1995, pp 2 – 3, as interpreted in the confirmation of the *Milošević* Bosnia Indictment, namely that “a *prima facie* case [is] a credible case which, if accepted and uncontradicted, would be a sufficient basis on which to convict the accused.” *Prosecutor v. Milošević*, Case No. IT-01-51-I, Decision on Review of Indictment, 22 November 2001, para. 14.

ORDER that:

1. Copies of the Warrants of Arrest shall be transmitted to the Prosecutor, who may transmit them to the International Stabilisation Forces ("SFOR") and to the authorities of the Federation of Bosnia and Herzegovina;
2. With the exception of SFOR and the authorities of the Federation of Bosnia and Herzegovina, there shall be no public disclosure of the Indictment, the supporting material, this decision on Confirmation of Indictment, or the Warrants of Arrest, until a Warrant of Arrest is served on **NASER ORIĆ** ("Accused"), or unless further ordered. Once a Warrant of Arrest has been served on the Accused, public disclosure shall be limited to the Indictment, this decision on Confirmation of Indictment, and the Warrants of Arrest;
3. Other than to the representatives of the Prosecutor, the internal disclosure within the International Tribunal of the Indictment, the supporting material and this decision on Confirmation of Indictment shall be limited to those individuals who require access to these documents to perform their duties.

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

Dated this 28th day of March 2003
At The Hague
The Netherlands


Richard May
Judge
International Tribunal