



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-02-60/2-S
Date: 8 October 2003
Original: English

IN TRIAL CHAMBER I, SECTION A

Before: Judge Liu Daqun, Presiding
Judge Volodymyr Vassilenko
Judge Carmen Maria Argibay

Registrar: Mr. Hans Holthuis

Order of: 8 October 2003

PROSECUTOR

v.

DRAGAN OBRENOVIĆ

ORDER TO PROVIDE TRANSCRIPTS

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Mr. David Wilson and Mr. Dušan Slijepčević for Dragan Obrenović

TRIAL CHAMBER I, SECTION A (“Trial Chamber”) 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 (“Tribunal”),

NOTING the conviction entered against Dragan Obrenović by the Trial Chamber on 21 May 2003, based on his plea of guilty to Count 5 of the Amended Joinder Indictment dated 27 May 2002, namely, Persecutions, a Crime Against Humanity punishable under Article 5(h) of the Statute of the Tribunal,

NOTING that the Defence for Mr. Obrenović filed its Sentencing Brief on 30 July 2003, in accordance with an order by the Trial Chamber, and will file a supplemental memorandum to its Sentencing Brief following the completion of Mr. Obrenović’s testimony in the case *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No. IT-02-60-T (“*Blagojević case*”) on the issue of Mr. Obrenović’s co-operation with the Prosecution,¹

NOTING that the Registry is providing the Defence with public filings and transcripts in Case No. IT-02-60 as a courtesy,

NOTING that, pursuant to Rule 68 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), the Prosecution is under a continuing obligation to disclose to the defence the existence of material known to the Prosecutor which in any way tends to suggest the innocence or mitigate the guilt of the accused, or material that may affect the credibility of prosecution evidence,²

CONSIDERING that the Defence is under an obligation of confidentiality in relation to all non-public materials made available,

CONSIDERING that the Prosecution has continuing obligations under Rule 68 of the Rules, and that such obligations may include the disclosure of non-public material from the *Blagojević case*,

CONSIDERING that for the purposes of sentencing, the Trial Chamber shall take into consideration the factual submissions upon which the plea agreement was based, and other relevant information, as filed by the Prosecution and Defence in the sentencing briefs and as provided in the submissions made by the parties at the sentencing hearing, pursuant to Article 24(2) of the Statute and Rule 100 and Rule 101 of the Rules,

¹ See, Status Conference, 10 September 2003, Transcript page 1466.

² *Prosecutor v. Vidoje Blagojević et al.* Case No. IT-02-60-PT, Joint Decision on Motions Related to Production of Evidence, 12 December 2002; *Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-A, Decision on Appellant’s Motion for the Production of Material, Suspension or Extension of the Briefing Schedule, and Additional Filings, 26 September 2000, para. 31.

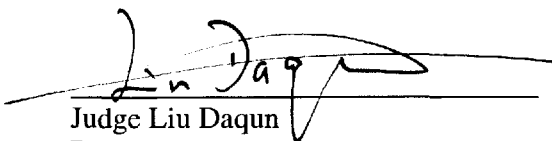
CONSIDERING that it would be in the interests of justice to make available to the Obrenović Defence the unredacted transcripts from the *Blagojević* case for all days during which Mr. Obrenović testifies in that case, as such testimony may be relevant for either Party in preparing their supplemental memoranda on Mr. Obrenović's co-operation with the Prosecution,

PURSUANT TO Rules 54, 68 and 100 of the Rules,

HEREBY ORDERS that:

1. The Prosecution shall continue to fulfil its obligation under Rule 68 of the Rules; and
2. The Registrar shall provide unredacted transcripts from the *Blagojević* case to the Obrenović Defence for all dates, or portion thereof, during which Mr. Dragan Obrenović provided testimony in that case.

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



Judge Liu Daqun
Presiding

Dated this eighth day of October 2003,
At The Hague
The Netherlands

[Seal of the Tribunal]