



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-04-76-I
Date: 20 May 2004
Original: English

BEFORE A JUDGE OF THE TRIBUNAL

Duty Judge: Judge Liu Daqun
Registrar: Mr. Hans Holthuis
Decision of: 20 May 2004

PROSECUTOR

v.

MIRKO NORAC

DECISION ON REVIEW OF INDICTMENT

Office of the Prosecutor:

Carla Del Ponte
Mark Ierace

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 SEIZED of an indictment (“Indictment”) and supporting material filed by the Prosecutor on 29 April 2004 against Mirko Norac;

AND BEING SEIZED of the Prosecution’s “Motion for Confirmation of an Indictment and for Seal of Confidentiality of Proof Chart and Supporting Material” filed on 29 April 2004;

NOTING that I was designated by the President after the Bureau had determined that the Indictment satisfies the standard established by Rule 28 of the Rules Procedure and Evidence (“the Rules”);

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, “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, **MIRKO NORAC** is alleged to have committed in the territory of Croatia, from 9 September to on or about 17 September 1993, the following crimes: violations of the laws or customs of war (murder, plunder of public or private property, wanton destruction of cities, towns or villages) punishable under Articles 3, 7(1) and/or 7(3) of the Statute, and crimes against humanity (persecutions and murder) punishable under Articles 5, 7(1) and/or 7(3) of the Statute;

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

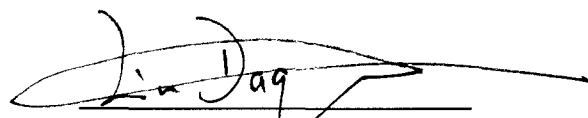
CONSIDERING that, as a general protective measure for potential witnesses and victims under Rules 69 and 75, the Prosecution also requests that all supporting material be received in confidence and under seal and that these papers remain non public until further order of the Tribunal;

PURSUANT TO Article 19 of the Statute and Rules 47, 53, 53bis and 54,

HEREBY CONFIRM the Indictment

AND ORDER that the supporting material remain non public until further order of the Tribunal.

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



Judge Liu Daqun

Dated this Twentieth day of May 2004

At The Hague

The Netherlands