

UNITED
NATIONS



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-99-36-R77

Date: 28 July 2004

Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge Ivana Janu
Judge Chikako Taya

Registrar: Mr. Hans Holthuis

Decision: 28 July 2004

PROSECUTOR

v.

RADOSLAV BRĐANIN

CONCERNING ALLEGATIONS AGAINST MILKA MAGLOV

**PERMISSION FOR *AMICUS CURIAE* PROSECUTOR TO
PROVIDE THE OFFICE OF THE PROSECUTOR WITH
CONFIDENTIAL MATERIAL**

***Amicus Curiae* Prosecutor:**

Ms. Brenda J. Hollis

Respondent:

Ms. Milka Maglov

Defence:

Mr. Jonathan Cooper
Mr. Peter Murphy

IT-99-36-277
D 495- D 493
28 July 2004

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HB.

TRIAL CHAMBER II (“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”);

BEING SEISED OF the “Notice By *Amicus Curiae* Prosecutor of Intent to Provide the Office of the Prosecutor with Legal Arguments, Conclusions of Law and Authority contained in Confidential Filings”, filed on 14 July 2004, in which the *amicus curiae* Prosecutor provides notice to the Trial Chamber of her intent to provide the Office of the Prosecutor by 19 July 2004 with legal arguments, conclusions of law, and authorities cited in confidential pleading and decisions in the instant case, arguing that this material is of consequence to the Office of the Prosecutor in other cases and, possibly, in further proceedings in the *Brdanin* case;

NOTING the “Order to *Amicus Curiae* Prosecutor” of 16 July 2004, in which the Trial Chamber ordered the *amicus curiae* Prosecutor not to disclose any confidential material from the instant case to the Office of the Prosecutor until further notice;

NOTING the “Clarification of Notice by *Amicus Curiae* Prosecutor of intent to Provide the Office of the Prosecutor with Legal Arguments, Conclusions of Law and Authority contained in Confidential Filings”, filed on 21 July 2004, in which the *amicus curiae* Prosecutor identifies the relevant material it intends to disclose;

CONSIDERING that the Trial Chamber is now satisfied that the *amicus curiae* Prosecutor intends to disclose exclusively non-confidential legal material;

CONSIDERING that the Respondent does not object to the disclosure of the said material;

FOR THE FOREGOING REASONS

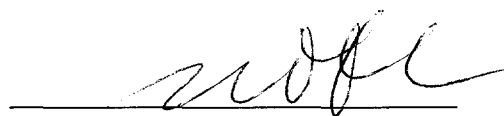
PURSUANT to Rules 54 and 73 of the Rules of Procedure and Evidence

PERMITS the *amicus curiae* Prosecutor to disclose the confidential material from the instant case to the Office of the Prosecutor as identified.

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

Dated this twenty-eighth day of July 2004,

At The Hague
The Netherlands



Carmel Agius

Presiding Judge

[Seal of the Tribunal]