



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-04-83-I
Date: 23 February 2005
Original: English

BEFORE A JUDGE OF A TRIAL CHAMBER

Before: Judge Carmel Agius
Registrar: Mr. Hans Holthuis
Decision of: 23 February 2005

PROSECUTOR

v.

RASIM DELIĆ

CONFIDENTIAL and EX PARTE

**ORDER TO VACATE IN PART THE ORDER FOR
NON-DISCLOSURE**

The Office of the Prosecutor:

Mr. Daryl Mundis
Ms. Tecla Henry – Benjamin
Ms. Marie Tuma

I, Carmel Agius, 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 SEISED of a “Motion of the Prosecution to Vacate in Part the Order for non-Disclosure issued on 16 February 2005” (“Motion”), filed confidentially and *ex parte* on 23 February 2005;

NOTING the indictment submitted by the Office of the Prosecutor of the International Tribunal (“Prosecution”) against the accused Rasim Delić (“Indictment”) and the Supporting Material thereto, filed *ex parte* and confidentially on 22 December 2004;

NOTING my “Decision on Review of Indictment and Order for Non-Disclosure” (“Decision”), filed *ex parte* and under seal on 16 February 2005, which confirmed the Indictment with respect to each and every count therein, and which ordered that there shall be no public disclosure of the Indictment or of the supporting material until further order;

NOTING that in the Motion, the Prosecution requests an Order to vacate those parts of the Decision pertaining to non-disclosure of the Indictment with specific reference to Rasim Delić, with the exception of the supporting material to the Indictment, which would remain under seal;


CONSIDERING that the Indictment and Warrants of Arrest dated 16 February 2005 were served upon the authorities of Bosnia and Herzegovina, who in turn have served them on Rasim Delić;

PURSUANT to Article 19 of the Statute and Rule 53 of the Rules of Procedure and Evidence

HEREBY ORDER that

1. The Order for non-disclosure contained in the Decision on Review of Indictment and Order for Non-Disclosure of 16 February 2005 shall be vacated insofar as it pertains to the Indictment with specific reference to Rasim Delić.
2. The Supporting Material to the Indictment shall remain under seal.

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



Carmel Agius
Judge

Dated this 23rd day of February 2005

At The Hague

The Netherlands

[Seal of the Tribunal]