



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-04-79-I
Date: 25 February 2005
Original: English

BEFORE A JUDGE OF THE TRIBUNAL

Judge: Judge Amin El Mahdi
Registrar: Mr. Hans Holthuis
Decision of: 25 February 2005

PROSECUTOR

v.

MİĆO STANIŠIĆ

EX PARTE/ UNDER SEAL

**DECISION ON REVIEW OF INDICTMENT AND ORDER FOR
NON-DISCLOSURE**

The Office of the Prosecutor:

Ms. Carla Del Ponte
Mr. Alan Tieger

I, Judge Amin El Mahdi, 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 the “Prosecutor’s Motion for Confirmation of the Indictment, for Issuance of Arrest Warrant, and for Non-Disclosure of Supporting Material until Further Order” (“Motion”), submitted under seal on 16 December 2004 by the Office of the Prosecutor (“Prosecutor”), requesting *inter alia* the confirmation of an indictment against **MİĆO STANIŠIĆ**, and an order of non-disclosure of the supporting material until further notice;

NOTING that I was designated by the President of the International Tribunal on 24 January 2005 as Judge to whom the indictment in the case of *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-I should be transmitted for review under Rule 47 of the Rules Procedure and Evidence (“Rules”), after the Bureau had determined that the Indictment satisfies the standard established by Rule 28 of the Rules;

HAVING HEARD the Prosecutor pursuant to Rules 47 and 53 of the Rules during an *in camera* hearing on 18 February 2005;

NOTING that a revised indictment, addressing the main concerns I expressed on 18 February 2005, was filed confidentially and *ex parte* on 24 February 2005 (“Indictment”), together with additional supporting material;

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 the reviewing 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, **MİĆO STANIŠIĆ** is alleged to have committed, in the period from 1 April 1992 to 31 December 1992, in the territory of Bosnia and Herzegovina, persecutions, murder, extermination, torture, deportation and inhumane acts as Crimes Against Humanity, punishable under Articles 5 and 7(1) and 7(3) of the Statute; and murder, torture and cruel treatment

as Violations of the Laws or Customs of War, punishable under Articles 3 and 7(1) and 7(3) of the Statute;


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

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

HEREBY CONFIRM the Indictment;

AND ORDER that there shall be no public disclosure of the Indictment, the supporting materials and of the present decision until further order.

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



Judge Amin El Mahdi

Dated this twenty-fifth day of February 2005

At The Hague

The Netherlands