



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-95-14-R77.4
Date: 9 September 2005
Original: English

BEFORE THE CONFIRMING JUDGE

Confirming Judge: Judge Alphons Orie
Registrar: Mr. Hans Holthuis
Decision of: 09 September 2005

PROSECUTOR
v.
MARIJAN KRIŽIĆ

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

Office of the Prosecutor:

Carla Del Ponte
David Akerson

I, Judge Alphons Orie, 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 (“the Tribunal”);

BEING SEIZED of the Office of the Prosecutor’s (“the Prosecution’s”) indictment and supporting material and “Motion for Confirmation of the Indictment” filed on 29 August 2005 against Marijan Križić;

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 of Procedure and Evidence (“the Rules”);

HAVING HEARD the Prosecution pursuant to Rules 47 and 53 of the Rules on 2 September 2005;

NOTING that the Prosecution filed a revised “Motion for Confirmation of the Indictment” on 8 September 2005, addressing the concerns which I expressed on 2 September 2005;

CONSIDERING that Article 19 of the Statute of the International Tribunal (the “Statute”) requires a Judge to whom an indictment has been transmitted to review it and confirm it “if satisfied that a *prima facie* case has been established by the Prosecutor”;

CONSIDERING that Rule 47 of the Rules requires a Judge, when reviewing an indictment for the purposes of deciding whether to confirm it or not, to examine each of the counts in the indictment and any supporting material which the Prosecution has provided and to determine whether, as required by Article 19(1), the Prosecution has established a *prima facie* case in the indictment;

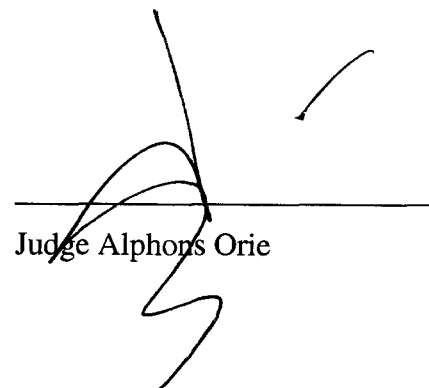
NOTING that, in the Indictment, Marijan Križić, in his capacity as Editor-in-Chief of *Hrvatsko Slovo*, a weekly newspaper in Zagreb, Croatia, published by *HRK-Hrvatsko Slovo d.o.o.*, is alleged to have committed, or otherwise aided and abetted in the commission of contempt, under Rule 77(A), Rule 77(A)(ii) and Rule 77(A)(iv) of the Tribunal’s Rules of Procedure and Evidence, during the period 26 November 2004 –17 December 2004.

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

AND ORDER that:

- (a) the Indictment is confirmed, under Rule 47;
- (b) the Prosecution is authorised to prosecute this matter, under Rule 77(D)(i);
- (c) under Rule 53 the confidentiality of the Indictment be lifted, but that no part of the supporting material shall be disclosed to the Accused, or to the public, until further order. For the purpose of this order the term “public”, shall mean all persons, organisations, entities, clients, associations and groups, including the media, other than the judges of the Tribunal and the staff of the Registry (assigned to either Chambers or the Registry), the Prosecution and the Accused, Marijan Križić. The “public” specifically includes without limitation, family, friends, and associates of the Accused and defence counsel in other proceedings before the Tribunal; and that
- (d) the accused is summoned to appear in accordance with the separate order which I will issue today and that a copy of such order and the Indictment be transmitted to the Registry for service on the Ministry of Justice of the Republic of Croatia, for service on the accused. The Registrar is, therefore, requested to take all necessary steps in order to serve the Indictment and this decision on the Accused.

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



Judge Alphons Orie

Dated this Ninth day of September 2005
At The Hague
The Netherlands

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