



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-R77.6  
Date: 11 September 2006  
Original: English

**BEFORE A JUDGE OF A TRIAL CHAMBER**

**Before: Judge Christine Van Den Wyngaert**

**Registrar: Mr. Hans Holthuis**

**Decision: 11 September 2006**

**PROSECUTOR**

v.

**DOMAGOJ MARGETIĆ**

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

**The Office of the Prosecutor:**

Ms. Carla Del Ponte  
Ms. Ann Sutherland

**The Republic of Croatia:**

*per:* Embassy of the Republic of  
Croatia to the Netherlands

I, Christine Van Den Wyngaert, permanent Judge of the International Criminal 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”);

**HAVING BEEN DESIGNATED** as the reviewing Judge by the President of the International Tribunal pursuant to Rule 28 of the Rules of Procedure and Evidence (“Rules”) on 4 September 2006;

**BEING SEISED** of the “Prosecutor’s Motion for Confirmation of the Indictment and an Order for Non-disclosure and Request to the Registrar” (“Motion”), filed *ex parte* and confidentially by the Office of the Prosecutor (“Prosecution”) on 4 September 2006;

**NOTING** the “Prosecutor’s Additional Submissions on Confirmation of the Indictment”, filed *ex parte* and confidentially by the Prosecution on 8 September 2006 in compliance with my Order of 6 September 2006;<sup>1</sup>

**NOTING** that an indictment (“Indictment”) was filed *ex parte* and confidentially on 30 August 2006 charging Domagoj Margetić with one count of contempt of the Tribunal pursuant to Rule 77(A), 77(A)(ii) and 77(A)(iv) of the Rules, and that material in support of the allegations in the Indictment was filed on 17 August 2006 (“Supporting Material”);

**NOTING** that the Prosecution requests (i) pursuant to Rule 47 of the Rules, confirmation of the Indictment; (ii) pursuant to Rule 53 of the Rules, non-disclosure of the Supporting Material to the public until further Order; (iii) service of the confirmed Indictment on the authorities of the Republic of Croatia and on Domagoj Margetić;

**NOTING** Article 19 of the Statute of the Tribunal and Rule 47 of the Rules, which require the judge to whom an indictment has been transmitted to review it and, if he or she is satisfied that a *prima facie* case has been established, confirm it;

**NOTING** that Domagoj Margetić is alleged to have committed contempt of the Tribunal under Rule 77(A), 77(A)(ii) and 77(A)(iv) of the Rules by publishing the names of protected witnesses in the *Blaškić* case on the internet between 7 July 2006 and 2 August 2006;

**HAVING REVIEWED** the Indictment and the Supporting Material;

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<sup>1</sup> Order on the Prosecutor’s Motion for Confirmation of the Indictment, 6 September 2006 (*ex parte* and confidential).

**CONSIDERING** that a *prima facie* case against Domagoj Margetić has been established in respect of the crime with which he is charged in the Indictment;

**CONSIDERING** that the Supporting Material contains sensitive information regarding protected witnesses;

**CONSIDERING** that there is a prevailing interest that the information contained in the Supporting Material not be disclosed to the public;

**PURSUANT** to Article 19 of the Statute and Rules 47 and 53 of the Rules;

**HEREBY CONFIRM** the Indictment and

**ORDER** as follows:

(1) The confidentiality of the Indictment shall be lifted, but there shall be no public disclosure of the supporting material until further Order.

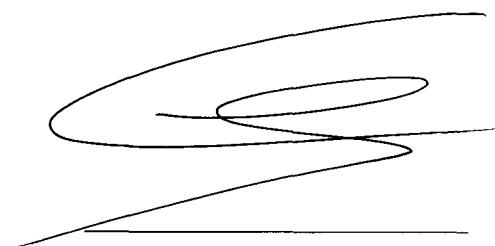
(2) The Registrar of the Tribunal is requested send a copy of the Indictment, accompanied by the text of Rules 42 and 43 of the Rules, to the authorities of the Republic of Croatia, so that the Indictment can be served on Domagoj Margetić without undue delay and a written report confirming such service can be returned to the Tribunal.

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

Dated this eleventh day of September 2006

At The Hague

The Netherlands



**Christine Van Den Wyngaert**  
**Judge of the Tribunal**

**[Seal of the Tribunal]**